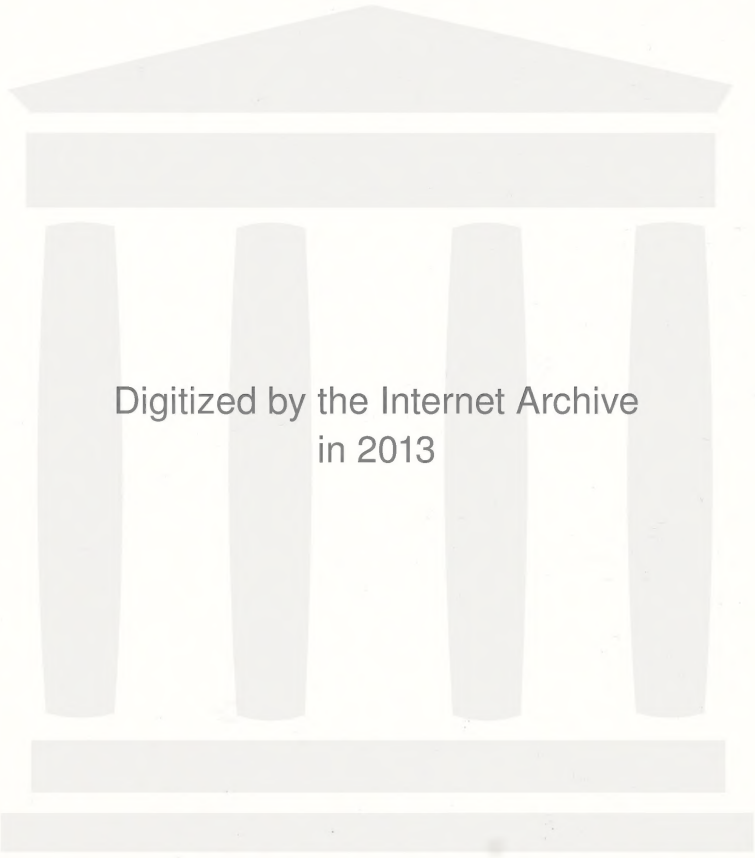

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# JOURNAL

## OF THE

# SENATE

## OF THE

# GENERAL ASSEMBLY

## OF THE

# STATE OF NORTH CAROLINA

## EXTRA SESSION

## 1994

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# OFFICERS AND MEMBERS
# OF
# THE SENATE OF NORTH CAROLINA
## 1993 GENERAL ASSEMBLY
## EXTRA SESSION 1994

DENNIS A. WICKER, President ..... Sanford
MARC BASNIGHT, President *Pro Tempore* ..... Manteo
R. C. SOLES, JR., Deputy President *Pro Tempore* ..... Tabor City
SYLVIA M. FINK, Principal Clerk ..... Raleigh
LEROY CLARK, JR., Reading Clerk ..... Wendell
CECIL GOINS, Sergeant–at–Arms ..... Raleigh

| DISTRICT | | NAME OF SENATOR | CITY of RESIDENCE |
|---|---|---|---|
| 1 | | MARC BASNIGHT | Manteo |
| 2 | | FRANK W. BALLANCE, JR. | Warrenton |
| 3 | | BEVERLY M. PERDUE | New Bern |
| 4 | ** | JOHN CODINGTON | Wilmington |
| 5 | | CHARLES W. ALBERTSON | Beulaville |
| 6 | | R. L. MARTIN | Bethel |
| 7 | | LUTHER HENRY JORDAN, JR. | Wilmington |
| 8 | | JOHN KERR | Goldsboro |
| 9 | | ED N. WARREN | Greenville |
| 10 | | ROY A. COOPER III | Rocky Mount |
| 11 | | JAMES D. SPEED | Louisburg |
| 12 | | FRED FOLGER, JR. | Mount Airy |
| | | A. P. SANDS III | Reidsville |
| 13 | | WILBUR P. GULLEY | Durham |
| | * | JEANNE H. LUCAS | Durham |
| 14 | | JOSEPH E. JOHNSON | Raleigh |
| | | J. K. SHERRON, JR. | Raleigh |
| 15 | | ELAINE MARSHALL | Lillington |
| 16 | | HOWARD N. LEE | Chapel Hill |
| | | RUSSELL G. WALKER | Asheboro |
| 17 | | J. RICHARD CONDER | Rockingham |
| | | AARON W. PLYLER | Monroe |
| 18 | | R. C. SOLES, JR. | Tabor City |
| 19 | | ROBERT G. SHAW | Greensboro |
| 20 | | IAN THEODORE KAPLAN | Winston–Salem |
| | | MARVIN WARD | Winston–Salem |
| 21 | | GEORGE B. DANIEL | Yanceyville |
| 22 | | FLETCHER L. HARTSELL, JR. | Concord |
| 23 | | PAUL S. SMITH | Salisbury |
| 24 | | LURA S. TALLY | Fayetteville |
| 25 | | DAVID HOYLE | Dallas |
| 26 | | AUSTIN M. ALLRAN | Hickory |
| 27 | | DONALD R. KINCAID | Lenoir |
| | | DAN R. SIMPSON | Morganton |
| 28 | | HERBERT LEE HYDE | Asheville |
| | | DENNIS J. WINNER | Asheville |
| 29 | | CLARK PLEXICO | Hendersonville |
| 30 | | DAVID R. PARNELL | Parkton |
| 31 | | WILLIAM N. MARTIN | Greensboro |
| 32 | | MARY P. SEYMOUR | Greensboro |
| 33 | | JAMES F. RICHARDSON | Charlotte |
| 34 | | T. L. ODOM | Charlotte |
| 35 | | JOHN GERALD BLACKMON | Charlotte |
| 36 | | LINDA GUNTER | Cary |
| 37 | | OLLIE HARRIS | Kings Mountain |
| 38 | | BETSY L. COCHRANE | Advance |
| 39 | | JAMES FORRESTER | Stanley |
| 40 | | LESLIE WINNER | Charlotte |
| 41 | | C. R. EDWARDS | Fayetteville |
| 42 | | ROBERT C. CARPENTER | Franklin |

(See Appendix for Senatorial Districts)
* Appointed July 30, 1993
** Deceased March 1, 1994

# SENATE JOURNAL

## EXTRA SESSION

## FEBRUARY — 1994

### FIRST DAY

SENATE CHAMBER,
Tuesday, February 8, 1994.

In accordance with law, as set forth in the Constitution of the State of North Carolina and pursuant to the Proclamation issued by the Honorable James B. Hunt, Jr., Governor, on January 12, 1994, the Senate of the 1993 General Assembly convenes in Extra Session at the hour of 11:00 A.M. in the Senate Chamber in the Legislative Building in the City of Raleigh.

The Honorable Dennis A. Wicker, Lieutenant Governor and President of the Senate, presides and calls the Senate to order.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Judgment and Mercy, the Lieutenant Governor, the Senators and staff have been called into Special Session to consider what can be done about the alarming increase in acts of crime and violence in our State.

"Some days we admit that we are fearful and frustrated. Other days we are fighting mad because we have witnessed these senseless acts of inhumanity intruding into our children's schools and into our neighborhoods.

"We confess that one of our responses is to grab hold of Your Words in the Law of Moses. 'An eye for an eye and a tooth for a tooth,' that's justice, we say. But You Are also the God who said we are to forgive our brothers and sisters seventy times seven.

"It is not a question of judgment or mercy. Judgment and mercy are inextricably one—each defining and informing the other.

"And so we ask, O God, that the men and women of the Senate know Your Mind on this difficult issue so that they will be able to write laws that mete out judgment and mercy fairly, even as You do likewise with each of us every day. Amen."

Led by the Lieutenant Governor, members and guests remain standing and pledge allegiance to the United States of America.

The President lays before the Senate the Proclamation issued by Governor James B. Hunt, Jr., January 12, 1994, as follows:

**STATE OF NORTH CAROLINA**

**JAMES B. HUNT, JR.**
**GOVERNOR**

**PROCLAMATION**

Crime is the most urgent issue facing our State. North Carolina has become the 16th most violent state in the nation, with violent crime having increased 50% in the last decade. Last year, you responded to this crisis by enacting several critical pieces of legislation, including funding for 5,000 new prison beds, raising the prison cap, eliminating parole thereby ensuring that criminals serve their time, and enacting laws to make schools safer. The legislature also addressed root causes of crime by passing legislation to give North Carolina's children a "smart start", setting higher standards in schools and helping this State to more aggressively recruit jobs.

But North Carolina is still facing a crisis in crime. Without legislative action, the prisons will be forced to release more than 3,000 dangerous criminals by March 15th. I have taken steps to send 1,000 inmates out–of–state, of which 105 have already been sent to Rhode Island and Oklahoma. I believe the General Assembly must raise the prison cap to accommodate 2,000 additional prisoners. The urgent need to take action to avoid releasing more than 3,000 dangerous criminals before the regularly scheduled short session necessitates an extra session of the General Assembly.

Therefore, I will call the General Assembly to Raleigh for an extra session on crime beginning February 8, to focus on the single most important issue facing our State today.

At the same time, the General Assembly should also take steps to toughen sentences for career criminals, to make the criminal justice system work better and put victims' rights first; and to toughen punishment for youthful offenders while we boost crime prevention programs for at–risk children.

I have sought and received the advice of the Council of State that the circumstances facing the Department of Correction and our State's problem with crime constitute an extraordinary occasion within the meaning of Article III, Sec. 5(7) of the Constitution, that immediate action by the General Assembly is required and that the General Assembly should be convened into extra session to address the matter. I have also discussed the circumstances with the Lieutenant Governor, the President *Pro Tempore* of the Senate and the Speaker of the North Carolina House of Representatives. They are of the same view.

ACCORDINGLY, pursuant to the authority granted to me by Article III, Sec, 5(7) of the Constitution of North Carolina, I find that the circumstances stated above constitute an extraordinary occasion within the meaning of Article III, Sec. 5(7) of the Constitution of North Carolina and PROCLAIM that the General Assembly is hereby convened in extra session for the purpose of considering legislation to (1) raise the inmate population "cap" for the State's prison system, (2) toughen sentences for criminals, (3) toughen punishment for youthful offenders, (4) expand crime deterrent programs for children, (5) ensure the rights of victims of crime and take such other action incident thereto as is deemed appropriate.

This extra session shall begin February 8, 1994 at 11:00 a.m. and shall continue as provided by law and the rules of each House until both Houses shall have adjourned sine die.

Done in Raleigh, North Carolina, this 12th day of January, 1994.

S/James B. Hunt, Jr.
*Governor*

(SEAL)

The roll of the members of the Senate heretofore elected to the 1993 General Assembly, having properly received and subscribed to the oath of office, is called and the following answer the call:

Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

The President announces a quorum present.

Arriving after the call of the roll, the Chair announces the presence of Senator Richardson.

## APPOINTMENT TO FILL UNEXPIRED TERM

The Chair recognizes the Sergeant–at–Arms, Cecil Goins, who announces the presence of Senator Jeanne H. Lucas in the Chamber and awaits direction of the Chair. The Chair directs the Reading Clerk to read the Proclamation by the Governor appointing Jeanne H. Lucas to fill the vacancy created by the resignation of Senator Ralph A. Hunt:

**STATE OF NORTH CAROLINA**

**JAMES B. HUNT, JR.**
**GOVERNOR**

**THE APPOINTMENT OF JEANNE H. LUCAS**
**1993**
**BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA**

**A PROCLAMATION**

WHEREAS, the Honorable Ralph Hunt, elected Senator from the Thirteenth Senate District, 1993 General Assembly, has resigned his office; and

WHEREAS, the provisions of General Statutes 163–11 require that the vacancy created by the resignation of the Honorable Ralph Hunt be filled by appointment of the person recommended by the Thirteenth Senatorial District Executive Committee of the Democratic Party; and

WHEREAS, the Thirteenth Senatorial District Executive Committee of the Democratic Party has notified me of its recommendation of Jeanne H. Lucas of Durham, North Carolina, to fill said vacancy,

I do by these presents appoint

**Jeanne H. Lucas**

as a member of the

**SENATE**

1993 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 30th day of July in the year of our Lord, One Thousand Nine Hundred Ninety–Three.

S/James B. Hunt, Jr.
*Governor of North Carolina*

S/Rufus L. Edmisten
*Secretary of State*

(SEAL)

The Chair announces the Oath of Office taken and subscribed to on file in the Office of the Principal Clerk.

Senator Basnight, President *Pro Tempore*, announces the assignment of Seat No. 9, vacated by Senator Hunt, to Senator Ed Warren of Pitt County and Seat No. 17 to Senator Lucas.

Senator Basnight, President *Pro Tempore*, appoints Senator Ballance, Senator Gulley, and Senator Martin of Guilford to escort Senator Lucas to her seat.

The President directs Senator Ballance, Senator Gulley, and Senator Martin of Guilford to escort Senator Lucas to Seat No. 17, which she assumes with full privileges as a Senator of the General Assembly of North Carolina. The Chair extends congratulations.

Senator Jordan offers a motion that Senator Jeanne H. Lucas, the first Black woman member of the Senate of the North Carolina General Assembly, be allowed to approach the Well of the Senate to briefly address the membership, which motion prevails.

The Chair directs the Escort Committee to bring Senator Lucas to the Well of the Senate where she briefly addresses the membership (*See Appendix*). Senator Lucas is escorted to her seat.

Electronic voting equipment, installed in the Senate Chamber pursuant to Senate simple Resolution 1087, adopted by the Senate of the 1973 General Assembly, is removed effective January 17, 1994 pursuant to action of the Legislative Services Commission as reflected in the Minutes of that Commission dated March 26, 1992 and on file in the Legislative Services Office. Initial use of the touch–screen console and computer controlling the expanded capabilities of the electronic voting equipment begins today, February 8, the First Legislative Day of the Extra Session of the 1993 General Assembly.

## OFFICERS

With no motion offered, the President announces the Officers elected under the provisions of the Constitution of North Carolina, the General Statutes, and the Rules of the 1993 Regular Session, are the Officers of this Extra Session.

## ADOPTION OF RULES

Without objection, on motion of Senator Sands, the Permanent Rules of the 1993 Regular Session, with the following amendments to Rules 25, 40, 40.1, and 74, are adopted as the Permanent Rules governing this Extra Session of the 1993 General Assembly:

**RULE 25—Use of electronic voting system.**

(c) When the electronic voting system is used, the Presiding Officer shall fix and announce the time, not to exceed one minute, which shall be allowed for voting on the question before the Senate. The system shall be set to lock automatically and to record the vote when that time has expired.

(e) After the system locks the members' voting stations, the Presiding Officer shall recognize and announce the vote of any member who was in the Senate Chamber, when the question was stated and whose voting station failed to be activated. The Principal Clerk shall record in the system the member's vote when announced by the Presiding Officer. The Presiding Officer shall declare the results of the vote. The Principal Clerk shall then cause the system to print the vote recorded.

**RULE 40. Introduction of bills.**—(a) Every bill filed for introduction shall contain on the outside cover the title of the document and the name of the Senator or Senators presenting it. Bills shall be delivered by the primary sponsor of the document or with the prescribed authorization form signed by the primary sponsor to the office of the Senate Principal Clerk who shall receive them according to the following schedule:

Tuesday, Wednesday, Thursday, and Friday
February 8, 9, 10, and 11,
until 5:00 o'clock p.m.;

All bills shall be numbered by the Office of the Principal Clerk when filed and shall be considered introduced when presented to the Senate for the first reading and reference to committee. Bills filed on Friday, February 11, shall be read a first time and referred to committee on that date.

(b) Only bills or resolutions addressing the subjects listed below shall be eligible for introduction and consideration in the Senate:

1. raising the inmate population limit for the State's prison system and changes to the correction system and jails;
2. sentencing criminals;
3. punishment for youthful offenders;
4. crime deterrent programs for children;
5. rights of victims of crime;
6. judicial branch of government structure and elections, or both;
7. any bill or resolution contingent upon or related to the above subjects;
8. amending Resolution 31 of the 1993 General Assembly to reconvene the regular session for the sole purpose of ratifying legislation during the session and to set an adjournment date of that reconvened session; and
9. adjournment of the extra session.

**RULE 40.1. Deadline on filing for introduction of bills and resolutions.**—(a) All bills and resolutions, except those adjourning the General Assembly or those addressing the judicial branch of government structure or elections, must be filed for introduction not later than 5:00 p.m. on Friday, February 11, 1994. Any such measure must be submitted to the Bill Drafting Division of the Legislative Services Office by 5:00 p.m. on Thursday, February 10, 1994, to be filed for introduction under this rule.

(b) This rule cannot be temporarily suspended.

**RULE 74. Public Hearings.**—Any Senator may request in writing a public hearing on a public bill. Requests may be granted in the discretion of the Chairman of the Committee to which the measure was referred. The President *Pro Tempore* may call for a public hearing before the Senate sitting as Committee of the Whole. Notice shall be given during daily session prior to public hearings. Such notices shall be printed on the next following Calendar and until the public hearing is held.

## APPOINTMENT OF COMMITTEES

Senator Basnight, President *Pro Tempore*, announces that the Standing and Select Committees of the Senate heretofore appointed during the 1993 Regular Session, including Chairmen, Vice–Chairmen, and Ranking Minority Members are hereby appointed to serve during this Extra Session.

Senator Basnight, President *Pro Tempore*, appoints Senator Lucas to the following:

Standing Committees:

**Banks and Thrift Institutions, Capital Expenditures and Improvements, Education/Higher Education, Finance, Pensions and Retirement, Public Utilities, Transportation,** and **Ways and Means.**

Select Committees:

**Bonds** and **Government Performance Audit.**

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate is organized and ready to proceed with the public business of this Extra Session of the 1993 General Assembly as stated in the Proclamation issued by the Governor.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
February 8, 1994

*Mr. President:*

It is ordered that a message be sent to the Senate informing that Honorable Body that the House of Representatives, pursuant to the Proclamation issued by the Governor, is organized and stands ready to proceed with the public business of the 1994 Extra Session.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## EXECUTIVE ORDERS

Executive Orders received in the Office of the Senate Principal Clerk following adjournment of the First Regular Session of the 1993 North Carolina General Assembly are presented to the Senate (*See Appendix*), read and referred to committee, as follows:

**Executive Order Number 21**, Local Government Partnership Council.
Referred to **Rules and Operation of the Senate Committee.**

**Executive Order Number 22**, Equal Employment Opportunity.
Referred to **Rules and Operation of the Senate Committee.**

**Executive Order Number 23**, Public School Administrator Task Force.
Referred to **Rules and Operation of the Senate Committee.**

**Executive Order Number 24**, Emergency Relief for Damage Caused by Hurricane Emily.
Referred to **Rules and Operation of the Senate Committee.**

**Executive Order Number 25**, Recission of Executive Order Number 55, The Martin Luther King, Jr. Holiday Commission, and Executive Order Number 71, The Governor's Task Force on Rail Passenger Service.
Referred to **Rules and Operation of the Senate Committee**.

**Executive Order Number 26**, Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan.
Referred to **Rules and Operation of the Senate Committee**.

**Executive Order Number 27**, Governor's Commission for Recognition of State Employees.
Referred to **Rules and Operation of the Senate Committee**.

**Executive Order Number 28**, Agriculture, Forestry, and Seafood Industry Advisory Committee.
Referred to **Rules and Operation of the Senate Committee**.

**Executive Order Number 29**, Teacher Advisory Committee.
Referred to **Rules and Operation of the Senate Committee**.

**Executive Order Number 30**, Highway Beautification Council.
Referred to **Rules and Operation of the Senate Committee**.

**Executive Order Number 31**, State Commission on National and Community Service.
Referred to **Rules and Operation of the Senate Committee**.

**Executive Order Number 32**, Governor's Advisory Commission on Military Affairs.
Referred to **Rules and Operation of the Senate Committee**.

**Executive Order Number 33**, Persian Gulf War Memorial Commission.
Referred to **Rules and Operation of the Senate Committee**.

**Executive Order Number 34**, Highway Safety Commission.
Referred to **Rules and Operation of the Senate Committee**.

**Executive Order Number 35**, Governor's State Employee Action Commission.
Referred to **Rules and Operation of the Senate Committee**.

**Executive Order Number 36**, Smoking Policy Coordinating Committee.
Referred to **Rules and Operation of the Senate Committee**.

**Executive Order Number 37**, Citizen Access to Public Records Maintained by State Government.
Referred to **Rules and Operation of the Senate Committee**.

The President recognizes the following pages serving in the Senate this week: Jamie Baker, Fayetteville; Susan Miller Bowman, Benson; John Crawford Farrell, Gastonia; Abigail Kathlee Farrell, Gastonia; W. Kyle Hensley, Fayetteville; Jeannie Ruth Holloman, Goldsboro; Jamie Diane Joyner, Mount Olive; Jeffrey Madison Massey, Raleigh; Erin Price, Sanford; Shannon Lynn Rabon, Steadman; Susan Renea' Wilder, Middlesex; and Brandy Williams, Blanch.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following joint resolution which is read the first time and disposed of, as follows:

**H.J.R. 1**, a joint resolution informing His Excellency, Governor James B. Hunt, Jr., that the Extra Session of the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a joint session of the Senate and House of Representatives.

On motion of Senator Albertson, the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (48–0) and third readings and is ordered enrolled.

The Chair extends courtesies of the gallery to Charles W. Hipps, District Attorney for the 30th Judicial District and former Senator from Haywood County.

## ENROLLED RESOLUTION

The Enrolling Clerk reports the following resolution properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

**H.J.R. 1**, a joint resolution informing His Excellency, Governor James B. Hunt, Jr., that the Extra Session of the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a joint session of the Senate and House of Representatives. (Res. 1)

## ESCORT COMMITTEE

Pursuant to **H.J.R. 1,** Senator Basnight, President *Pro Tempore*, rises and appoints Senator Soles, Chairman, Senator Conder, Senator Ballance, Senator Perdue, and Senator Sands as a committee to serve with a like committee from the House of Representatives to greet and escort the Governor, the Honorable James B. Hunt, Jr., to the joint session. The President excuses the Escort Committee to greet the Governor on behalf of the Senate.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.J.R 1**

House of Representatives
February 8, 1994

*Mr. President:*

Pursuant to H.J.R. 1, "A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR., THAT THE EXTRA SESSION OF THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES," the Speaker appoints the following members of the House of Representatives to serve with a like Committee of the Senate to escort Governor James B. Hunt, Jr. to the Joint Session:

Representative Milton F. Fitch, Jr.
Representative James B. Black
Representative Bertha M. Holt
Representative Robert Grady
Representative David G. Balmer

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

The hour having arrived as fixed by **H.J.R. 1**, a joint resolution informing His Excellency, Governor James B. Hunt, Jr., that the Extra Session of the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a joint session of the Senate and the House of Representatives, the President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House, there to sit in joint session with that Honorable Body, for the purpose of receiving the Governor's Message on Crime.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVE

**H.J.R. 1**

House of Representatives
February 8, 1994

*Mr. President:*

Pursuant to H.J.R. 1, "A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR., THAT THE EXTRA SESSION OF THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES," the House of Representatives stands ready to receive the Senate in Joint Session at the appointed hour.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Senator Basnight offers a motion, in accordance with **H.J.R. 1,** to the end the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session with that Honorable Body, and on his further motion, upon dissolution of the Joint Session to return to the Senate Chamber to resolve into a Committee of the Whole Senate for the purpose of a public hearing on crime, and for the consideration of further business, which motions prevail.

The Chair declares the Senate in recess and the Senate, preceded by its officers, repairs to the Hall of the House of Representatives.

## JOINT SESSION

The Senate is received by the Members of the House of Representatives, standing.

The Speaker of the House of Representatives recognizes the Sergeant–at–Arms who announces the presence of the Cabinet of the Governor who awaits the pleasure of the General Assembly sitting in joint session. The Speaker directs the Sergeant–at–Arms to escort the Governor's Cabinet to their assigned seats. The Governor's Cabinet is received by the General Assembly with members standing.

The Speaker of the House of Representatives recognizes the Sergeant–at–Arms who announces the presence of Associate Judges of the Court of Appeals of North Carolina who await the pleasure of the General Assembly sitting in joint session. The Speaker directs the Sergeant–at–Arms to escort the Honorable Members of the Court of Appeals of North Carolina to their assigned seats. The Associate Judges of the Court of Appeals of North Carolina are received by the General Assembly with members standing.

The Speaker of the House of Representatives recognizes the Sergeant–at–Arms who announces the presence of Associate Justices of the North Carolina Supreme Court who await the pleasure of the General Assembly sitting in joint session. The Speaker directs the Sergeant–at–Arms to escort the Honorable Members of the North Carolina Supreme Court to their assigned seats. The Associate Justices of the North Carolina Supreme Court are received by the General Assembly with members standing.

The Speaker of the House of Representatives now recognizes the Sergeant–at–Arms who announces the presence at the door of the Council of State of North Carolina who awaits the pleasure of the General Assembly sitting in joint session. The Speaker directs the Sergeant–at–Arms to escort the Honorable Members of the Council of State to their assigned seats. The Council of State is received by the General Assembly with members standing.

The Speaker of the House of Representatives recognizes the Sergeant–at–Arms of the House of Representatives, who announces the presence at the door of His Excellency, Governor James B. Hunt, Jr., who awaits the pleasure of the General Assembly sitting in joint session. The Speaker directs the Sergeant–at–Arms of the House to escort the Committees appointed by the President of the Senate and Speaker of the House of Representatives and the Governor to the Well of the House. The Speaker recognizes Senator Soles who presents the Governor of the Great State of North Carolina to the Speaker of the House of Representatives who presents His Excellency, Governor James B. Hunt, Jr., to the General Assembly.

Governor Hunt delivers his Message on Crime in the State of North Carolina, along with his recommendations. (*See Appendix for the text of the message.*)

Upon the conclusion of his remarks, the Speaker recognizes Senator Soles, Representative Fitch, and the Committees to escort Governor Hunt from the Chamber.

Senator Basnight offers a motion to the end that the Joint Session be dissolved and that the Senate return to its Chambers for the consideration of further business pursuant to its earlier motion, which motions prevail. The Joint Session is dissolved.

The Senate is called to order by the Honorable Dennis A. Wicker, President of the Senate, and resumes consideration of its regular order of business at 12:55 P.M.

Senator Basnight offers a motion to the end the Senate stand in recess at 12:59 P.M. to reconvene at 2:00 P.M., which motion prevails. The Chair declares the Senate in recess.

## RECESS

The Senate convenes pursuant to recess and is called to order by Senator Basnight, President *Pro Tempore*.

Senator Sands offers a motion to the end the Senate do now resolve into a Committee of the Whole Senate for the purpose of a public hearing in the Senate Chamber, which motion prevails. Senator Basnight, as President *Pro Tempore* of the Senate, continues to hold the gavel. (*See Appendix for the proceedings of the Committee of the Whole Senate.*)

The Senate rises from the Committee of the Whole, without report, and is called to order by Senator Basnight, President *Pro Tempore*, in the absence of the Lieutenant Governor.

On motion of Senator Soles, seconded by Senator Sands, the Senate adjourns to reconvene tomorrow, Wednesday, February 9, at 8:00 A.M.

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## SECOND DAY

SENATE CHAMBER,
Wednesday, February 9, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"'This is the day which the Lord has made,' says the 118th Psalm. 'Let us rejoice and be glad in it.'

"As children, we learned this verse by rote. As adults, we have learned, indeed, that every day of life is a gift from You, Dear God.

"We've learned that a day will be gone before we know it. We've learned that if we somehow waste a day, it is our lives we are wasting. And if we look the other way, we may miss the opportunity we've been waiting for always.

"This is the day which the Lord has made. Let us rejoice and be glad it it. Amen."

Senator Sands, for the **Rules and Operation of the Senate Committee,** announces the Journal of yesterday, Tuesday, February 8, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, Senator Hyde is granted a leave of absence for today due to a required surgical procedure.

Senator Sands offers a motion to the end the Senate do now resolve into a Committee of the Whole which motion prevails. Senator Basnight as President *Pro Tempore* continues to hold the gavel and the Senate sits as a Committee of the Whole. (*See Appendix for the proceedings of the Committee of the Whole Senate.)*

Upon rising from the Committee of the Whole, Senator Basnight, President *Pro Tempore*, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

### APPOINTMENT OF SELECT COMMITTEES

Pursuant to Rules 31 and 34, the President *Pro Tempore*, Senator Basnight, announces select committees and appoints the members to serve on each, as follows:

### CORRECTIONS/PUNISHMENT SELECT COMMITTEE

**Chairmen:** Senator Ballance
Senator Odom

**Senators:** Albertson, Blackmon, Carpenter, Conder, Daniel, Hoyle, Kincaid, Lee, Martin of Pitt, Marshall, Parnell, Plexico, Plyler, Richardson, Sands

### COURTS SELECT COMMITTEE

**Chairmen:** Senator Cooper
Senator Soles

**Senators:** Cochrane, Folger, Hartsell, Hyde, Kerr, Jordan, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Winner of Buncombe

## JUVENILES/PREVENTION SELECT COMMITTEE

**Chairmen:** **Senator Martin of Guilford**
**Senator Perdue**

**Senators:** **Allran, Codington, Edwards, Forrester, Gulley, Gunter, Harris, Johnson, Kaplan, Lucas, Tally, Walker, Ward, Warren, Winner of Mecklenburg**

## INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Parnell, Albertson, Carpenter, Conder, Cooper, Daniel, Harris, Johnson, Kaplan, Lee, Marshall, Plyler, Sands, Speed, Tally, Walker, and Warren:

**S.B. 1**, a bill to make technical amendments and conforming changes to the General Statutes and Session Laws relating to structured sentencing, misdemeanors, and felonies.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plexico, Plyler, Johnson, Albertson, Allran, Carpenter, Cochrane, Conder, Cooper, Daniel, Forrester, Gunter, Harris, Sands, Seymour, Speed, Ward, Lee, and Warren:

**S.B. 2**, a bill to provide for life without parolé for first degree murder.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plexico, Plyler, Johnson, Albertson, Conder, Daniel, Forrester, Harris, Kaplan, Lee, Lucas, Parnell, Sands, Seymour, Speed, Walker, Ward, and Warren:

**S.B. 3**, a bill to provide that a person convicted of a rape or sex offense that the court finds to be especially heinous, atrocious, or cruel shall be sentenced to life imprisonment without parole.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Parnell, Plyler, Plexico, Johnson, Albertson, Cochrane, Conder, Cooper, Daniel, Forrester, Gunter, Harris, Kaplan, Lee, Marshall, Sands, Seymour, Speed, Walker, Ward, and Warren:

**S.B. 4**, a bill to revise the effective date of structured sentencing for certain violent offenses.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plexico, Plyler, Johnson, Albertson, Allran, Cochrane, Conder, Cooper, Daniel, Forrester, Harris, Kaplan, Kerr, Lee, Sands, Seymour, Speed, and Ward:

**S.B. 5**, a bill to provide life without parole for a third violent felony conviction.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plexico, Plyler, Johnson, Albertson, Allran, Conder, Cooper, Daniel, Forrester, Gunter, Harris, Kaplan, Lee, Marshall, Sands, Seymour, Speed, Walker, and Ward:

**S.B. 6**, a bill to repeal the provision in the Structured Sentencing Act that amended the sentencing of habitual felons and retain the current law with only technical conforming changes.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plyler, Plexico, Johnson, Allran, Carpenter, Conder, Cooper, Daniel, Gunter, Harris, Kaplan, Kerr, Lee, Lucas, Parnell, Sands, Seymour, Speed, and Ward:

**S.B. 7**, a bill to repeal the provision in the Structured Sentencing Act that would have provided that possession of less than one gram of cocaine was not a felony.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plexico, Plyler, Johnson, Albertson, Cochrane, Conder, Cooper, Daniel, Edwards, Gunter, Harris, Kaplan, Kerr, Lee, Lucas, Marshall, Martin of Guilford, Parnell, Sands, Seymour, Speed, Walker, Ward, and Warren:

**S.B. 8**, a bill to prohibit the possession of firearms and weapons of mass death and destruction by felons.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plexico, Plyler, Johnson, Perdue, Albertson, Allran, Cochrane, Conder, Cooper, Daniel, Edwards, Forrester, Gunter, Harris, Kaplan, Lee, Lucas, Marshall, Sands, Seymour, Speed, Walker, Ward, and Warren:

**S.B. 9**, a bill to provide that an enhanced sentence shall be imposed on a person convicted of a felony if the person was armed with or used a firearm during the commission of the felony.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plexico, Plyler, Johnson, Perdue, Conder, Cooper, Daniel, Edwards, Gunter, Harris, Kaplan, Lee, Lucas, Marshall, Martin of Guilford, Parnell, Sands, Seymour, Speed, Walker, Ward, and Warren:

**S.B. 10**, a bill to amend the laws regarding the confiscation, forfeiture, and disposition of firearms.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plexico, Plyler, Johnson, Perdue, Conder, Cooper, Daniel, Gunter, Harris, Kaplan, Lee, Lucas, Marshall, Martin of Guilford, Parnell, Sands, Seymour Speed, Walker, Ward, and Warren:

**S.B. 11**, a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity from possessing a firearm or a weapon of death and mass destruction.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plexico, Plyler, Johnson, Perdue, Allran, Cochrane, Conder, Cooper, Daniel, Forrester, Harris, Kaplan, Lee, Marshall, Parnell, Sands, Seymour, Speed, Walker, Ward, and Warren:

**S.B. 12**, a bill to appropriate funds for prison construction and to a reserve to operate the additional prison facilities.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plexico, Plyler, Johnson, Perdue, Albertson, Cochrane, Conder, Cooper, Daniel, Forrester, Gunter, Harris, Kaplan, Kerr, Lee, Lucas, Marshall, Parnell, Sands, Seymour, Speed, Walker, Ward, and Warren:

**S.B. 13**, a bill to appropriate funds for the leasing of jail space from local governments.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plyler, Johnson, Perdue, Allran, Conder, Cooper, Daniel, Gunter, Harris, Kaplan, Lee, Marshall, Parnell, Plyler, Sands, Seymour, Speed, Walker, Ward, and Warren::

**S.B. 14**, a bill to provide for out–of–state housing of prison inmates.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plexico, Plyler, Johnson, Perdue, Albertson, Conder, Cooper, Daniel, Forrester, Gunter, Harris, Kaplan, Kerr, Lee, Lucas, Marshall, Martin of Guilford, Parnell, Sands, Seymour, Speed, Walker, Ward, and Warren: :

**S.B. 15**, a bill to authorize the Secretary of Correction to contract with private for–profit or nonprofit firms to provide and operate treatment centers for the care of inmates diagnosed as needing treatment for alcohol or drug abuse, and to appropriate funds to contract for those treatment centers.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plexico, Plyler, Johnson, Perdue, Albertson, Allran, Conder, Cooper, Daniel, Forrester, Harris, Kaplan, Kerr, Lee, Lucas, Marshall, Martin of Guilford, Parnell, Sands, Seymour, Speed, Walker, Ward, and Warren::

**S.B. 16**, a bill to appropriate funds to allow the Department of Correction to use existing space more efficiently.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plexico, Plyler, Johnson, Perdue, Albertson, Allran, Cochrane, Conder, Cooper, Daniel, Forrester, Harris, Kaplan, Kerr, Lee, Marshall, Martin of Guilford, Parnell, Sands, Seymour, Speed, Walker, Ward, and Warren:

**S.B. 17**, a bill to modify the prison population cap.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Martin of Guilford, Perdue, Hoyle, Albertson, Conder, Cooper, Daniel, Edwards, Gunter, Harris, Kaplan, Lee, Lucas, Marshall, Odom, Parnell, Plyler, Sands, Seymour, Speed, Tally, Walker, Ward, and Winner of Mecklenburg:

**S.B. 18**, a bill to implement the Save Our Students (S.O.S.) Program.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Martin of Guilford, Perdue, Hoyle, Albertson, Conder, Cooper, Daniel, Gulley, Gunter, Harris, Kaplan, Kerr, Lee, Lucas, Marshall, Odom, Parnell, Plexico, Plyler, Sands, Seymour, Speed, Tally, Walker, Ward, Warren, and Winner of Mecklenburg:

**S.B. 19**, a bill to establish the Family Resource Center Grant Program.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Martin of Guilford, Allran, Cochrane, Conder, Cooper, Daniel, Forrester, Gulley, Gunter, Harris, Hoyle, Kaplan, Kerr, Lee, Lucas, Marshall, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Speed, Tally, Walker, Ward, and Warren.

**S.B. 20**, a bill to appropriate funds for capital costs and operation of Wilderness Camps.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Perdue, Albertson, Parnell, Hoyle, Allran, Cochrane, Conder, Cooper, Daniel, Edwards, Forrester, Gunter, Harris, Kaplan, Kerr, Lee, Marshall, Plexico, Plyler, Sands, Seymour, Speed, Tally, Walker, and Ward:

**S.B. 21**, a bill to appropriate funds for construction and operation of a boot camp for youthful offenders.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Martin of Guilford, Perdue, Hoyle, Albertson, Conder, Cooper, Daniel, Edwards, Gunter, Harris, Kerr, Lee, Lucas, Marshall, Parnell, Plyler, Sands, Seymour, Speed, Tally, Walker, and Ward:

**S.B. 22**, a bill to appropriate funds for public school coaches' mentor training.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Martin of Guilford, Perdue, Hoyle, Albertson, Cochrane, Conder, Cooper, Daniel, Edwards, Forrester, Gunter, Harris, Kaplan, Kerr, Lee, Lucas, Marshall, Parnell, Plyler, Sands, Seymour, Speed, Tally, Walker, and Ward:

**S.B. 23**, a bill to appropriate funds for the Governor's One on One Program.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Martin of Guilford, Perdue, Hoyle, Albertson, Conder, Cooper, Edwards, Forrester, Gunter, Harris, Kerr, Lee, Lucas, Marshall, Plyler, Sands, Seymour, Speed, Tally, Walker, Ward, and Warren:

**S.B. 24**, a bill to require Department of Human Resources to conduct a comprehensive study of the Division of Youth Services' Juvenile Justice System.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Perdue, Parnell, Hoyle, Albertson, Allran, Conder, Daniel, Forrester, Gunter, Harris, Kaplan, Kerr, Lee, Marshall, Odom, Plexico, Plyler, Sands, Seymour, Speed, Tally, Walker, Ward, and Warren:

**S.B. 25**, a bill to appropriate funds for detention center beds.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Perdue, Albertson, Parnell, Hoyle, Allran, Conder, Edwards, Forrester, Harris, Kaplan, Lee, Lucas, Marshall, Plexico, Plyler, Sands, Seymour, Speed, Tally, Walker, Ward, and Warren:

**S.B. 26**, a bill to appropriate funds for training school operation.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Martin of Guilford, Perdue, Cochrane, Forrester, Allran, Albertson, Cooper, Daniel, Edwards, Gunter, Harris, Kaplan, Lee, Lucas, Marshall, Parnell, Plyler, Sands, Seymour, Speed, Tally, Walker, and Ward:

**S.B. 27**, a bill to provide that the juvenile records of juveniles adjudicated or convicted of certain felonies are open, may not be expunged and that evidence of juvenile delinquency adjudications may be admissible into evidence in subsequent criminal proceedings and make conforming changes.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Perdue, Albertson, Parnell, Hoyle, Forrester, Allran, Cochrane, Daniel, Edwards, Gunter, Harris, Johnson, Kaplan, Lee, Marshall, Odom, Plyler, Sands, Seymour, Speed, Tally, Walker, and Ward:

**S.B. 28**, a bill to transfer jurisdiction of certain juveniles to Superior Court, provide for a probable cause hearing, and retain records.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Perdue, Albertson, Parnell, Hoyle, Cooper, Daniel, Edwards, Harris, Johnson, Kaplan, Lee, Marshall, Odom, Plyler, Sands, Seymour, Speed, Tally, Walker, and Ward:

**S.B. 29**, a bill to provide for commitment of juveniles adjudicated delinquent for certain felonies offenses to age eighteen.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Cooper, Soles, Gunter, Walker, Kerr, Allran, Forrester, Cochrane, Smith, Kincaid, Carpenter, Simpson, Hartsell, Codington, Blackmon, Shaw, Winner of Mecklenburg, Johnson, Kaplan, Gulley, Ward, Conder, Plyler, Odom, Plexico, Sherron, Albertson, Daniel, Edwards, Harris, Lee, Lucas, Marshall, Martin of Guilford, Parnell, Perdue, Sands, Seymour, Speed, Tally, and Warren:

**S.B. 30**, a bill pertaining to the determination of contributory misconduct under the Crime Victims Compensation Act and to appropriate funds to the Crime Victims Compensation Fund.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Cooper, Gunter, Soles, Walker, Kerr, Allran, Forrester, Carpenter, Smith, Codington, Blackmon, Shaw, Kaplan, Gulley, Winner of Mecklenburg, Ward, Johnson, Tally, Plexico, Odom, Sherron, Plyler, Conder, Albertson, Daniel, Edwards, Harris, Lee, Lucas, Marshall, Martin of Guilford, Parnell, Perdue, Sands, Seymour, and Speed:

**S.B. 31**, a bill to appropriate funds to the Department of Crime Control and Public Safety for the Victims Assistance Network.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plexico, Plyler, Johnson, Conder, Forrester, Cochrane, Allran, Albertson, Cooper, Daniel, Harris, Kaplan, Lee, Marshall, Martin of Guilford, Sands, Seymour, Speed, Walker, Ward, and Warren:

**S.B. 32**, a bill to require the Clerk of Superior Court to include the names of any victims in the information attached to a prisoner's commitment.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Cooper, Soles, Gunter, Winner of Mecklenburg, Walker, Kerr, Allran, Forrester, Cochrane, Smith, Hartsell, Codington, Blackmon, Kaplan, Gulley, Plexico, Johnson, Ward, Odom, Sherron, Plyler, Conder, Albertson, Daniel, Edwards, Harris, Lee, Lucas, Marshall, Martin of Guilford, Parnell, Perdue, Sands, Seymour, Speed, Tally and Warren:

**S.B. 33**, a bill to appropriate funds to the Department of Crime Control and Public Safety for development of a statewide criminal justice information system.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Cooper, Soles, Gunter, Walker, Allran, Forrester, Cochrane, Smith, Kincaid, Simpson, Hartsell, Carpenter, Codington, Blackmon, Shaw, Kaplan, Johnson, Tally, Plexico, Ward, Odom, Sherron, Plyler, Conder, Harris, Lee, Lucas, Marshall, Perdue, Sands, Seymour, Speed, and Warren:

**S.B. 34**, a bill to allow evidence of a lack of seat belt use to be admitted in a criminal or civil proceeding to establish a justification for the stop of a vehicle, the same as in all other motor vehicle law violations.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Cooper, Soles, Gunter, Winner of Mecklenburg, Walker, Kerr, Allran, Forrester, Cochrane, Smith, Simpson, Kincaid, Hartsell, Carpenter, Codington, Blackmon, Johnson, Gulley, Tally, Kaplan, Ward, Plexico, Sherron, Odom, Plyler, Conder, Albertson, Daniel, Harris, Lee, Lucas, Marshall, Perdue, Sands, Seymour, Speed, and Warren:

**S.B. 35**, a bill to establish an additional superior court judgeship and five additional assistant district attorney positions in Mecklenburg County and to appropriate funds for the Mecklenburg County Drug Court Program.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Cooper, Soles, Walker, Kerr, Gunter, Allran, Forrester, Cochrane, Smith, Kincaid, Hartsell, Carpenter, Codington, Blackmon, Shaw, Johnson, Winner of Mecklenburg, Kaplan, Tally, Ward, Odom, Plexico, Gulley, Plyler, Conder, Sherron, Albertson, Daniel, Edwards, Harris, Lee, Lucas, Marshall, Martin of Guilford, Parnell, Perdue, Sands, Seymour, and Warren:

**S.B. 36**, a bill to create the North Carolina Drug Court Program.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Odom, Plexico, Plyler, Johnson, Conder, Forrester, Cochrane, Allran, Albertson, Cooper, Daniel, Edwards, Gunter, Harris, Kaplan, Lee, Lucas, Marshall, Martin of Guilford, Parnell, Sands, Seymour, Speed, Tally, Walker, Ward, and Warren:

**S.B. 37**, a bill to appropriate funds for construction of a Drug and Alcohol Recovery Treatment (DART) Center, for operation of the center, and for the creation of a DWI database.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Martin of Guilford, Perdue, Hoyle, Conder, Albertson, Daniel, Edwards, Gunter, Harris, Johnson, Lucas, Marshall, Odom, Plyler, Sands, Seymour, Tally, Walker, and Ward:

**S.B. 38**, a bill to create the Governor's Council on Children, Youth, and Families.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Jordan, Martin of Guilford, Conder, Parnell, Albertson, Warren, Edwards, Martin of Pitt, Daniel, Lee, Lucas, Ballance, Soles, Hoyle, Forrester, Carpenter, Gunter, Harris, Marshall, Odom, Plyler, Sands, Seymour, Speed, Tally, Walker, and Ward:

**S.B. 39**, a bill to require the Department of Correction to develop a plan for providing all inmates with literacy and job training skills prior to release from prison.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Albertson, Parnell, Perdue, Martin of Pitt, Hoyle, Jordan, Allran, Cooper, Winner of Buncombe, Forrester, Smith, Gunter, Cochrane, Conder, Martin of Guilford, Kincaid, Simpson, Warren, Hartsell, Carpenter, Codington, Gulley, Hyde, Folger, Ballance, Edwards, Speed, Blackmon, Shaw, Tally, Sherron, Marshall, Lucas, Walker, Richardson, Kaplan, Winner of Mecklenburg, Ward, Plexico, Odom, Lee, Seymour, Soles, Daniel, Harris, and Plyler:

**S.B. 40**, a bill to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Perdue, Edwards, Gunter, Marshall, Odom, Parnell, Plexico, Sands, Seymour, Speed, and Ward:

**S.B. 41**, a bill to require the public schools to provide instruction in respect for the laws of North Carolina and of the United States of America and obedience to the laws of morality and responsibility.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Perdue, Cooper, Daniel, Gulley, Gunter, Harris, Marshall, Martin of Guilford, Odom, Parnell, Sands, Seymour, Speed, Tally, Ward, and Winner of Mecklenburg:

**S.B. 42**, a bill to appropriate funds for an alternative schools grant program and to permit judges to assign students to alternative schools.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Perdue, Cooper, Daniel, Edwards, Gunter, Harris, Marshall, Martin of Guilford, Odom, Parnell, Sands, Seymour, Tally, Walker, and Ward:

**S.B. 43**, a bill to appropriate funds to increase the number of counselors for juvenile court and the number of probation and parole officers for adult offenders.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Kincaid, Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Harris, Hartsell, Hoyle, Johnson, Kerr, Lee, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Simpson, Smith, Speed, Ward, and Warren:

**S.B. 44**, a bill permitting the use of deadly force against an intruder under certain circumstances.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

## EXECUTIVE ORDERS

Executive Orders received (*see Appendix*) are presented to the Senate, read, and referred to committee, as follows:

**Executive Order Number 38**, Council on Health Policy Information.

Referred to **Rules and Operation of the Senate Committee.**

**Executive Order Number 39,** Amending Executive Order Number 23 concerning the Public School Administrator Task Force.

Referred to **Rules and Operation of the Senate Committee.**

Senator Sands offers a motion that the Senate do now resolve into a Committee of the Whole, which motion prevails. The President of the Senate relinquishes the gavel to Senator Basnight, President *Pro Tempore*, and the Senate sits as a Committee of the Whole, with Senator Basnight presiding. (*See Appendix for the proceedings of the Committee of the Whole Senate.)*

Upon rising from the Committee of the Whole, Senator Soles, seconded by Senator Plexico, offers a motion the Senate do now adjourn to reconvene tomorrow, Thursday, February 10, at 1:30 P.M. which motion prevails. The Senate adjourns at 6:29 P.M.

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## THIRD DAY

SENATE CHAMBER,
Thursday, February 10, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Most Holy God, before we become involved in the routine of the day, we pause to seek Your Help. We admit that we have become wise and experienced in the ways of the world, yet know too little of the ways of God. But You Know each one of us by our deeds and our needs.

"Inspire us today to be good stewards of the Love that You have for us, a Love, once we have come face to face with You, that will neither leave us nor let us go. In gratitude, we pray. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, February 9, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Sherron, to attend a previously scheduled meeting, and to Senator Hyde. Senator Carpenter is granted a leave of absence for tomorrow, Friday, February 11, due to a doctor's appointment.

### REPORTS OF COMMITTEES

Bills are reported from select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Select Committee on Courts**:

**S.B. 31**, a bill to appropriate funds to the Department of Crime Control and Public Safety for the Victims Assistance Network, with a favorable report.
Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 34**, a bill to allow evidence of a lack of seat belt use to be admitted in a criminal or civil proceeding to establish a justification for the stop of a vehicle, the same as in all other motor vehicle law violations, with a favorable report.
Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 36**, a bill to create the North Carolina Drug Court Program, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 40**, a bill to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

By Senator Ballance for the **Select Committee on Corrections/Punishment**:

**S.B. 10**, a bill to amend the laws regarding the confiscation, forfeiture, and disposition of firearms, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 11**, a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity from possessing a firearm or a weapon of death and mass destruction, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 12**, a bill to appropriate funds for prison construction and to a reserve to operate the additional prison facilities, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 13**, a bill to appropriate funds for the leasing of jail space from local governments, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 16**, a bill to appropriate funds to allow the Department of Correction to use existing space more efficiently, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 17**, a bill to modify the prison population cap, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

## RECALLS FROM COMMITTEE

**S.B. 10**, a bill to amend the laws regarding the confiscation, forfeiture, and disposition of firearms, referred to the **Appropriations Committee** earlier today.

Senator Daniel offers a motion the bill be recalled from the **Appropriations Committee** and further that the bill be placed on the Calendar for today for consideration upon its passage, which motions prevail.

The Chair recalls the bill from the **Appropriations Committee** and places it on the Calendar for today.

Senator Daniel offers a motion that the vote by which the motion to place the bill on the Calendar for today be reconsidered, which motion prevails, and the question becomes the motion to place the measure on the Calendar for today.

Senator Daniel offers a substitute motion to place the bill on the Calendar for tomorrow, Friday, February 11, with unanimous consent, which motion prevails.

The Chair orders the bill placed on the Calendar for tomorrow, Friday, February 11.

**S.B. 11**, a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity from possessing a firearm or a weapon of death and mass destruction, referred to the **Appropriations Committee** earlier today.

Senator Daniel offers a motion the bill be recalled from the **Appropriations Committee** and further that the bill be placed on the Calendar for today for consideration upon its passage, which motions prevail.

The Chair recalls the bill from the **Appropriations Committee** and places it on the Calendar for today.

Senator Daniel offers a motion that the vote by which the motion to place the bill on the Calendar for today be reconsidered, which motion prevails, and the question becomes the motion to place the measure on the Calendar for today.

Senator Daniel offers a substitute motion to place the bill on the Calendar for tomorrow, Friday, February 11, with unanimous consent, which motion prevails.

The Chair orders the bill placed on the Calendar for tomorrow, Friday, February 11.

**S.B. 34**, a bill to allow evidence of a lack of seat belt use to be admitted in a criminal or civil proceeding to establish a justification for the stop of a vehicle, the same as in all other motor vehicle law violations, referred to the **Appropriations Committee** earlier today.

Senator Plyler offers a motion the bill be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Friday, February 11, which motions prevail.

The Chair recalls the bill from the **Appropriations Committee** and orders it placed on the Calendar for tomorrow, Friday, February 11.

## INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Plexico, Albertson, Allran, Cochrane, Codington, Conder, Forrester, Gulley, Harris, Hartsell, Hoyle, Kincaid, Lee, Martin of Pitt, Odom, Parnell, Sands, Sherron, Simpson, Smith, Speed, and Warren:

**S.B. 45**, a bill to provide that upon a second conviction of certain violent felonies an offender is a violent habitual felon and shall be sentenced to life imprisonment without parole, unless the offender is sentenced to death for a capital offense.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Winner of Buncombe and Gunter:

**S.B. 46**, a bill to amend the habitual felon law by redefining habitual felon and providing that the court shall automatically impose an enhanced sentence on a defendant who is an habitual felon.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Sands, Albertson, Allran, Blackmon, Folger, Forrester, Gunter, Hartsell, Hoyle, Johnson, Kaplan, Marshall, Martin of Pitt, Perdue, and Winner of Buncombe:

**S.B. 47**, a bill to authorize the issuance of two hundred million dollars general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for State prison and youth services facilities.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Finance Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Sands, Albertson, Carpenter, Cochrane, Codington, Forrester, Hartsell, Hoyle, Kaplan, Kincaid, Martin of Pitt, Smith, Warren, and Winner of Buncombe:

**S.B. 48**, a bill to raise the classification of all felonious acts of burglary and felonious acts of arson by two classes.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Seymour, Gunter, Sands, and Warren:

**S.B. 49**, a bill to impose criminal penalties for the abuse or neglect of elder adults living at home.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Sands, Conder, and Gunter:

**S.B. 50**, a bill to provide that a defendant who agrees to a suspended sentence, probation, or an alternative sentence or punishment and who willfully violates a condition of that judgment may be held in criminal contempt for the violation.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Cochrane, Allran, Blackmon, Carpenter, Codington, Forrester, Gunter, Hartsell, Kincaid, Shaw, Simpson, and Smith:

**S.B. 51**, a bill to provide that a defendant convicted of a capital offense may be sentenced to death or life imprisonment without parole.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Hartsell, Carpenter, Cochrane, and Shaw:

**S.B. 52**, a bill to require a defendant who elects to serve a sentence rather than be placed on probation to serve one–half of the sentence the defendant received before the defendant is eligible for parole.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Martin of Guilford, Conder, Folger, Forrester, Gunter, Harris, Hoyle, Kaplan, Lee, Lucas, Marshall, Martin of Pitt, Parnell, Perdue, Sands, Walker, Ward, Warren, and Winner of Mecklenburg:

**S.B. 53**, a bill to establish pilot programs for treatment of parolees and probationers with substance abuse problems and to appropriate funds.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Forrester, Blackmon, Carpenter, Cochrane, Codington, Gunter, Hartsell, Hoyle, Shaw, and Warren:

**S.B. 54**, a bill to amend the Constitution of North Carolina to establish rights for victims of crime and to provide for the imposition of a lien on a defendant's property to secure payment of the restitution awarded.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Forrester, Blackmon, Carpenter, Cochrane, Codington, Hartsell, Hoyle, Shaw, and Warren:

**S.B. 55**, a bill to provide a mandatory ten–year sentence without parole for using a loaded or unloaded gun or a knife in a crime.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Forrester, Carpenter, Cochrane, Gunter, Hartsell, Hoyle, and Warren:

**S.B. 56**, a bill to create the Legislative Commission on the Causes of Crime in North Carolina and to appropriate funds to the General Assembly for the Commission.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Hoyle, Carpenter, Forrester, Gunter, Harris, and Warren:
**S.B. 57**, a bill to establish special aggravating circumstances relating to the imposition of the death sentence for the first degree murder of a sworn law enforcement officer.
Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Marshall, Ballance, Blackmon, Carpenter, Folger, Gunter, Johnson, Lucas, Martin of Guilford, Sands, and Warren:
**S.B. 58**, a bill to appropriate funds to the Crime Victims Compensation Fund.
Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Codington and Forrester:
**S.B. 59**, a bill to repeal the prison population cap.
Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Carpenter, Allran, Cochrane, Codington, Forrester, Hartsell, Sands, Shaw, and Smith:
**S.B. 60**, a bill to provide that a person committing a crime while injured is not a victim under the Crime Victims Compensation Act.
Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Kerr, Gunter, and Warren:
**S.R. 61**, a Senate simple resolution requesting members of Congress representing North Carolina to consider, sponsor, and push for enactment of constitutional legislation limiting violence on television.
Pursuant to Rule 40, the resolution is ordered held in the Office of the Principal Clerk.

By Senators Kerr, Gunter, and Warren:
**S.B. 62**, a bill to appropriate funds for a drug kingpin task force.
Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Ballance:
**S.B. 63**, a bill to provide that a convict or felon sentenced to death shall be executed in public by electrocution, by hanging, or by the administration of lethal gas or drugs in the county seat where the capital crime occurred.
Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**H.B. 11** (Committee Substitute), a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity from possessing a firearm or a weapon of death and mass destruction.
Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

## APPOINTMENTS BY THE GOVERNOR

The President directs the Reading Clerk to read:

**STATE OF NORTH CAROLINA**
**OFFICE OF THE GOVERNOR**
**RALEIGH 27603-8001**

February 1, 1994

The Honorable Marc Basnight
Senate President *Pro Tempore*
Legislative Building
Raleigh, North Carolina 27603

*Dear Marc,*

Pursuant to North Carolina General Statute 113-254, I hereby submit the name of Robert V. Lucas for consent of the North Carolina Senate as a member of the Atlantic States Marine Fisheries Commission. His term will expire on June 30, 1996. Mr. Lucas currently serves as chairman of the North Carolina Marine Fisheries Commission.

Thank you for your attention to this important matter.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
*Governor*

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

**STATE OF NORTH CAROLINA**
**OFFICE OF THE GOVERNOR**
**RALEIGH 27603-8001**

February 1, 1994

The Honorable Marc Basnight
Senate President *Pro Tempore*
Legislative Building
Raleigh, North Carolina 27603

*Dear Marc,*

Pursuant to North Carolina General Statute 126-2, I hereby submit the name of Maria F. Spaulding for confirmation by the General Assembly as a member of the North Carolina State Personnel Commission. Ms. Spaulding's term will expire on June 30, 1999.

Biographical information on Ms. Spaulding is attached. Please feel free to contact her should you need any additional information.

Thank you for your attention to this important matter.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
*Governor*

Referred to **State Personnel and State Government Committee**.

## REPORTS OF COMMITTEES

A select committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Soles for the **Select Committee on Courts**:

**S.B. 30**, a bill pertaining to the determination of contributory misconduct under the Crime Victims Compensation Act and to appropriate funds to the Crime Victims Compensation Fund, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the proposed Committee Substitute bill 7802, which changes the title to read **S.B. 30** (Committee Substitute), a bill to require the Crime Victims Compensation Commission and its Director to deny a claim of a person who was participating in a felony or a nontraffic misdemeanor at or about the time the person's injury occurred, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Friday, February 11, for further consideration.

## INTRODUCTION OF RESOLUTION

On motion of Senator Sands, **S.R. 74**, filed earlier today, is presented to the Senate, read the first time and disposed of as follows:

By Senator Sands:

**S.R. 74**, a Senate simple resolution to permanently amend the Rules for the 1994 Extra Session to extend the period for filing for introduction of bills.

On motion of Senator Sands, the Senate simple resolution is placed before the Senate for immediate consideration.

Senator Sands offers Amendment No. 1 which is adopted (46–0).

On motion of Senator Sands, the Senate simple resolution, as amended, is adopted (47–0) and ordered engrossed.

The text of this resolution, as amended, appears as follows:

Be it resolved by the Senate:

Section 1. Rule 40.1(a) of the Rules of the Senate for the 1994 Extra Session reads as rewritten:

"(a) All bills and resolutions, except those adjourning the General Assembly or those addressing the judicial branch of government structure or elections, must be filed for introduction not later than 3:00 p.m. on Tuesday, February 15, 1994. Any such measure must be submitted to the Bill Drafting Division of the Legislative Services Office by 5:00 p.m. on Thursday, February 10, 1994, to be filed for introduction under this rule."

Sec. 2. This resolution is effective upon adoption.

## APPOINTMENT BY THE GOVERNOR

The President directs the Reading Clerk to read:

**STATE OF NORTH CAROLINA**
**OFFICE OF THE GOVERNOR**
**RALEIGH 27603–8001**

February 1, 1994

The Honorable Marc Basnight
Senate President *Pro Tempore*
Legislative Building
Raleigh, North Carolina 27603

*Dear Marc,*

Pursuant to North Carolina General Statute 115C–10, I hereby submit the name of Jay M. Robinson for confirmation by the General Assembly as a member of the North Carolina State Board of Education. Dr. Robinson replaces Thomas D'Alonzo, who resigned from the Board. His term will expire on March 31, 1997.

Biographical information on Dr. Robinson is attached. Please feel free to contact him should you need any additional information.

Thank you for your attention to this important matter.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
*Governor*

Referred to **Education/Higher Education Committee**.

On motion of Senator Basnight, seconded by Senator Cochrane, the Senate adjourns at 2:29 P.M. to meet tomorrow, Friday, February 11, at 11:30 A.M.

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## FOURTH DAY

SENATE CHAMBER,
Friday, February 11, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the President of the Senate, due to extreme inclement weather.

Prayer is offered by the Honorable Marvin M. Ward, Senator from Forsyth County, as follows:

"Our Heavenly Father, as we begin this Special Session, we have been given the opportunity, the freedom, and the responsibility to take actions to make it possible for the citizens of our State to live in a better, safer, and more enjoyable place.

"Guide us as we attempt to understand the proposals for change. Give us the courage to take the actions that will make a difference.

"We ask for this guidance, in Thy Name. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Thursday, February 10, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Walker, due to inclement weather; to Senator Forrester, to cover his medical practice; and to Senator Carpenter, Senator Sherron, and Senator Hyde.

With unanimous consent, the Chair directs the Principal Clerk to send all messages ordered sent to the House of Representatives today sent by special messenger.

## REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

**S.B. 40**, a bill to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, with a favorable report.

On motion of Senator Daniel, the rules are suspended and the bill is placed before the Senate for immediate consideration, upon second reading.

Senator Gunter offers Amendment No. 1 which fails of adoption (2–40).

Receiving a three–fifths majority affirmative vote, the bill passes its second reading by roll–call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: Senator Ballance—1.

With unanimous consent, the bill remains on the Calendar for further consideration upon third reading.

Receiving a three–fifths majority affirmative vote, the bill passes its third reading by roll–call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: Senator Ballance—1.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

A bill is reported from a select committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Odom for the **Select Committee on Corrections/Punishment**:

**S.B. 2**, a bill to provide for life without parole for first degree murder, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re–referred to the **Appropriations Committee.**

## INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Codington and Hartsell:

**S.B. 64**, a bill relating to admissibility under the North Carolina Rules of Evidence of the juvenile record of the accused or a witness in a criminal case and making conforming changes regarding the maintenance of juvenile records.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Perdue:

**S.B. 65**, a bill to require all State and non–State agencies that receive funds for implementing anticrime initiatives to report to the Joint Legislative Corrections Oversight Committee.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Kerr:

**S.B. 66**, a bill to direct the Administrative Office of the Courts to study the underutilization of the deferred prosecution program.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Kerr:

**S.B. 67**, a bill to direct the Department of Correction to study the feasibility of diverting probation and parole violators to residential community corrections centers.

Referred to **Select Committee on Courts Committee** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Edwards:

**S.J.R. 68**, a joint resolution urging the government of the State of North Carolina to take a leadership role in hiring qualified persons who have completed prison sentences or who are on parole.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Simpson, Cochrane, Forrester, Kincaid, and Shaw:

**S.B. 69**, a bill to provide that the record of a juvenile adjudicated delinquent of an offense that would be either a felony or a certain class 1 misdemeanor if committed by an adult be open for public inspection.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Parnell, Conder, and Martin of Pitt:

**S.B. 70**, a bill to reinstate the recommendation of the Sentencing Commission regarding the habitual felon law; to provide that a defendant convicted of murder in the first degree may be sentenced to life without parole; to repeal the provision in the Structured Sentencing Act that would have provided that possession of less than one gram of cocaine was not a felony; to clarify that persons sentenced under the Structured Sentencing Act shall not be released under the prison population cap; to provide for the earlier implementation of structured sentencing by amending the effective dates of Chapters 538 and 539 of the 1993 Session Laws; to provide that a defendant who uses or threatens to use a firearm during the commission of a felony offense shall be sentenced to the mandatory maximum punishment for that felony offense; and to provide that a person who commits a third violent felony may be sentenced to life imprisonment without parole.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Parnell, Conder, and Martin of Pitt:

**S.B. 71**, a bill to appropriate funds for the earlier implementation of the Structured Sentencing Act.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Parnell, Conder, and Martin of Pitt:

**S.B. 72**, a bill to expedite the effectiveness of the State–County Criminal Justice Partnership Act and to appropriate funds to support the program.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Cooper and Soles:

**S.B. 73**, a bill to appropriate funds to the Crime Victims Compensation Fund.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Sands and Winner of Buncombe:

**S.B. 75**, a bill to allow nontestimonial identification and publication of photographs of juveniles who have committed offenses that would be certain felonies if committed by adults.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Simpson, Blackmon, Carpenter, Cochrane, Codington, Hartsell, Kincaid, Shaw, and Smith:

**S.B. 76**, a bill to create the Joint Legislative Corrections Oversight Committee.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Marshall, Blackmon, Carpenter, Codington, and Folger:

**S.B. 77**, a bill to reduce the eligibility for parole once it is denied to once every two years rather than once each year.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Marshall, Gulley, and Sands:

**S.B. 78**, a bill to require the Crime Victims Compensation Commission and its director to deny a claim of a person who was engaged in criminal activity at or about the time the person's injury occurred.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Winner of Mecklenburg, Daniel, Gulley, Kaplan, Kerr, Odom, Ward, and Winner of Buncombe:

**S.B. 79**, a bill to reduce the eligibility for parole once it is denied to once every two years rather than once each year.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Albertson, Blackmon, Conder, Edwards, Folger, Hoyle, Jordan, Lucas, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Winner of Buncombe, and Winner of Mecklenburg:

**S.B. 80**, a bill to establish a grant program for local crime prevention pilot programs that focus on truancy and truancy–related crime.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Allran, Albertson, Blackmon, Carpenter, Cochrane, Codington, Forrester, Gunter, Harris, Hoyle, Shaw, Sherron, Smith, Speed, and Warren:

**S.B. 81**, a bill to raise the defined age of undisciplined juveniles from sixteen years to eighteen years in certain circumstances.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Cochrane, Allran, Cooper, Forrester, Gunter, Harris, Hartsell, Hoyle, Kerr, Kincaid, Lee, Plexico, Simpson, Smith, Speed, Walker, Ward, Warren, and Winner of Buncombe:

**S.B. 82**, a bill to establish a legislative study on welfare reform, which reform will effect short–term and long–term crime prevention.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Winner of Buncombe:

**S.B. 83**, a bill to repeal the prohibition on photographing and fingerprinting sixteen and seventeen year old juveniles under the jurisdiction of the Superior Court.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Winner of Buncombe:

**S.B. 84**, a bill to provide for dismissal with leave pursuant to a deferred prosecution agreement and the reinstitution of proceedings against a defendant that fails to comply with the terms of the agreement.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Conder:

**S.B. 85**, a bill to appropriate funds to the Judicial Department for the use of the Police Information Network (PIN) by district attorneys.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

## CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

**S.B. 10**, a bill to amend the laws regarding the confiscation, forfeiture, and disposition of firearms.

Senator Winner of Buncombe offers Amendment No. 1 which is adopted (43–0).

Senator Shaw offers Amendment No. 2.

Without objection, on motion of Senator Odom, the bill, as amended, is temporarily displaced, with Amendment No. 2 pending.

**S.B. 11**, a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity from possessing a firearm or a weapon of death and mass destruction.

Senator Odom offers Amendment No. 1 which is adopted (44–0), changing the title to read, **S.B. 11**, a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity or a person determined to be incapable to proceed from possessing a firearm or a weapon of death and mass destruction.

Senator Cochrane offers Amendment No. 2.

Without objection, on motion of Senator Odom, the bill, as amended, is temporarily displaced, with Amendment No. 2 pending.

**S.B. 30** (Committee Substitute), a bill to require the Crime Victims Compensation Commission and its Director to deny a claim of a person who was participating in a felony or a nontraffic misdemeanor at or about the time the person's injury occurred.

The Committee Substitute bill passes its second (43–0) and third (43–0) readings and is ordered without objection, sent to the House of Representatives by special messenger.

**S.B. 11**, a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity or a person determined to be incapable to proceed from possessing a firearm or a weapon of death and mass destruction, as amended, with Amendment No. 2 pending, temporarily displaced earlier.

Without objection, Senator Cochrane withdraws Amendment No. 2.

The bill, as amended, passes its second reading (44–0).

Senator Cochrane objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Tuesday, February 15, for further consideration, upon third reading.

## REPORT OF COMMITTEE

A select committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Perdue for the **Select Committee on Juvenile/Prevention**:

**S.B. 22**, a bill to appropriate funds for public school coaches' mentor training, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re–referred to the **Appropriations Committee.**

## CALENDAR (Continued)

**S.B. 10**, a bill to amend the laws regarding the confiscation, forfeiture, and disposition of firearms, as amended, with Amendment No. 2 pending, temporarily displaced earlier.

With unanimous consent, Senator Shaw withdraws Amendment No. 2.

Senator Shaw offers Amendment No. 3 which is adopted (40–1).

Senator Kerr offers Amendment No. 4.

On motion of Senator Winner of Buncombe, further consideration of the bill, as amended, with Amendment No. 4 pending, is postponed until Tuesday, February 15.

**S.B. 34**, a bill to allow evidence of a lack of seat belt use to be admitted in a criminal or civil proceeding to establish a justification for the stop of a vehicle, the same as in all other motor vehicle law violations.

The bill passes its second (41–0) and third readings and is ordered sent to the House of Representatives by special messenger.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**H.B. 7**, a bill to repeal the provision in the Structured Sentencing Act that would have provided that possession of less than one gram of cocaine was not a felony.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

**H.B. 10** (Committee Substitute), a bill to amend the laws regarding the confiscation, forfeiture, and disposition of firearms.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

**H.B. 30** (Committee Substitute No. 2), a bill to require the Crime Victims Compensation Commission and its Director to deny a claim of a person who was engaged in criminal activity at or about the time the person's injury occurred.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

**H.B. 34** (Committee Substitute), a bill to allow evidence of a lack of seat belt use to be admitted in a criminal or civil proceeding to establish a justification for the stop of a vehicle, the same as in all other motor vehicle law violations.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

## WITHDRAWAL FROM CALENDAR

**S.B. 10**, a bill to amend the laws regarding the confiscation, forfeiture, and disposition of firearms, as amended, with Amendment No. 4 pending, ordered placed on the Calendar for Tuesday, February 15, earlier today.

Senator Odom offers a motion the bill, as amended, with Amendment No. 4 pending, be recalled from the Calendar for Tuesday, February 15, and recommitted to the **Select Committee on Corrections/Punishment** which motions prevail.

The Chair recalls the bill, as amended, with Amendment No. 4 pending, from the Calendar for Tuesday, February 15, and orders the measure recommitted to the **Select Committee on Corrections/Punishment.**

On motion of Senator Soles, seconded by Senator Conder, the Senate adjourns at 1:09 P.M. to meet Tuesday, February 15, at 1:30.

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# FIFTH DAY

SENATE CHAMBER,
Tuesday, February 15, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Hear, O God, the sincere petitions of the Senators gathered for this moment of prayer and deepen our feelings of unity and fellowship as we pray with them and for them.

"Give us the wisdom to see that no good life comes without right discipline. Give us the grace to impose it upon ourselves, lest others do it for us.

"Above all, allow us to see and hear what goes on in this place today through the eyes and ears of the eight–year–old, the–eighteen–year old, the eighty–year old, the living generations of people in our State for whom these laws will be written. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Friday, February 11, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Hyde, Senator Kaplan, and Senator Sherron.

## REPORT OF COMMITTEE

Bills are reported from a select committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Select Committee on Courts**:

**S.B. 43**, a bill to appropriate funds to increase the number of counselors for juvenile court and the number of probation and parole officers for adult offenders, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 58**, a bill to appropriate funds to the Crime Victims Compensation Fund, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 65**, a bill to require all State and non–State agencies that receive funds for implementing anticrime initiatives to report to the Joint Legislative Corrections Oversight Committee, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 66**, a bill to direct the Administrative Office of the Courts to study the underutilization of the deferred prosecution program, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 67**, a bill to direct the Department of Correction to study the feasibility of diverting probation and parole violators to residential community corrections centers, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 76**, a bill to create the Joint Legislative Corrections Oversight Committee, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

## INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Jordan:

**S.B. 86**, a bill to appropriate funds to develop comprehensive coordinated child and adolescent alcohol and other drug mentoring initiatives in order to effect short–term and long–term crime prevention.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Edwards and Tally:

**S.B. 87**, a bill to appropriate funds for additional beds at the Juvenile Detention Center in Cumberland County.

Referred to **Select Committee on Juveniles/Preventions** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Shaw:

**S.B. 88**, a bill to prohibit the teaching or discussion in any class of any information related to sexual practices that are not lawful in North Carolina.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Shaw:

**S.B. 89**, a bill to require that the parent, guardian, or next–of–kin of a minor who is charged by a law enforcement officer shall be notified immediately of the charge by the law enforcement officer making the charge.

Referred to **Select Committee on Juveniles/Prevention Committee** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Tally and Edwards:

**S.B. 90**, a bill to appropriate funds for the construction and operation of group homes to house juvenile offenders referred by the court who are in need of supervision, safe housing, and mental health treatment.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Tally , Edwards, Gulley, Walker, and Ward:

**S.B. 91**, a bill to appropriate funds for the construction and operation of a residential facility to provide education and treatment services to certain juveniles.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Winner of Mecklenburg:

**S.B. 92**, a bill to authorize the Legislative Research Commission to study the proliferation and criminal use of weapons in North Carolina.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Gulley, Albertson, Hartsell, Lee, Lucas, Marshall, Martin of Guilford, Odom, Plexico, and Sands:

**S.B. 93**, a bill to establish the North Carolina Service Corps and to appropriate funds for its implementation.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Lee:

**S.B. 94**, a bill to add 744 prison beds by appropriating funds for additional dayroom space at minimum and medium custody correctional facilities.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Odom:

**S.B. 95**, a bill to provide that a person who is convicted of a violent crime and has a prior conviction for a violent crime shall receive a mandatory sentence of life imprisonment without parole, unless the person is sentenced to death.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Odom:

**S.B. 96**, a bill to reduce the eligibility for parole once it is denied to once every two years rather than once each year.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Odom:

**S.B. 97**, a bill to authorize the Secretary of Correction to contract for the housing of prisoners in privately operated correctional facilities.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Odom:

**S.B. 98**, a bill to create the Legislative Study Commission on Farm Camp Programs and to appropriate funds.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Simpson:

**S.B. 99**, a bill to remove the restrictions on judicial campaigns.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Forrester, Allran, Blackmon, Cochrane, Codington, Hartsell, Kincaid, Shaw, Simpson, and Smith:

**S.B. 100**, a bill to make it a felony to assault a law enforcement officer, a fireman, or an emergency medical service technician.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Sands:

**S.B. 101**, a bill to appropriate funds to the Department of Crime Control and Public Safety for additional highway patrol troopers.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Shaw and Martin of Guilford:

**S.B. 102**, a bill to direct the Department of Correction to develop plans for a pilot program for the operation of a prison work camp by a county or coalition of counties.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Carpenter and Plexico:

**S.B. 103**, a bill to increase the costs in criminal actions before the General Court of Justice to provide funds to be used as reward money to be paid out by local "crime stoppers" programs.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Ballance:

**S.B. 104**, a bill to create the crime of feticide.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Ballance:

**S.B. 105**, a bill to appropriate funds to raise the per diem reimbursement paid by the Department of Correction to counties for State inmates serving sentences of more than thirty days in local confinement facilities.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Ballance:

**S.B. 106**, a bill to appropriate funds to the Satellite Jail/Work Release Unit Fund.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Plyler:

**S.B. 107**, a bill to appropriate funds.

Referred to **Appropriations Committee**.

By Senator Plyler:

**S.B. 108**, a bill to appropriate funds.

Referred to **Appropriations Committee**.

By Senator Plyler:

**S.B. 109**, a bill to appropriate funds.

Referred to **Appropriations Committee**.

By Senators Tally, Edwards, Gulley, Harris, Walker, and Ward:

**S.B. 110**, a bill to strengthen the foundation of the juvenile justice system through an outcome–based enhancement of the Community–Based Alternatives Program and to appropriate funds.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Tally and Edwards:

**S.B. 111**, a bill to appropriate funds to construct a physical training facility for youth offenders.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Harris:

**S.B. 112**, a bill to appropriate funds for pilot programs to provide alternatives to incarceration for people with mental retardation.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

## REPORTS OF COMMITTEES

Select committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Select Committee on Juveniles/Prevention:**

**S.B. 20**, a bill to appropriate funds for capital costs and operation of Wilderness Camps, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 2743 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

**S.B. 23**, a bill to appropriate funds for the Governor's One on One Program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 2745 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

**S.B. 24**, a bill to require Department of Human Resources to conduct a comprehensive study of the Division of Youth Services' Juvenile Justice System, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 2742 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

By Senator Ballance for the **Select Committee on Corrections/Punishment:**

**S.B. 39**, a bill to require the Department of Correction to develop a plan for providing all inmates with literacy and job training skills prior to release from prison, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re–referred to the **Appropriations Committee.**

## CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

**S.B. 11**, a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity or a person determined to be incapable to proceed from possessing a firearm or a weapon of death and mass destruction, as amended, upon third reading.

On motion of Senator Ballance, the bill, as amended, is recommitted to the **Select Committee on Corrections/Punishment.**

## SENATE PAGES

The President recognizes the following pages serving in the Senate this week: Samantha Leigh Best, Burlington; Derek Evan Bittner, High Point; Heather LuJean Blaylock, Greensboro; Lara Ashley Bodenhamer, Rowland; Whitney Gatewood Dyer, Raleigh; Tiffany Bunn Edwards, Louisburg; Charles Gooch III, Fayetteville; Daniella Hirshfield, Charlotte; Amber Alaina Ivey, Mount Olive; Candice Ryan Ivey, Mount Olive; Curtis Lawson, Burlington; Elizabeth Mauney, Kings Mountain; Joe L. Parker, Benson; Sarah Ann Ray, Dunn; Lisa Michelle Richardson, Rocky Mount; Christopher Michael Swindell, Rocky Mount; and Denice Nichole Thurman, Erwin.

## INTRODUCTION OF BILLS AND RESOLUTIONS (Continued)

Additional bills and resolutions filed for introduction are presented to the Senate pursuant to Rule 40.1, read the first time, and disposed of, as follows:

By Senators Albertson, Jordan, Perdue, and Warren:

**S.B. 113**, a bill to increase the penalties for making false bomb reports to certain educational, industrial, and governmental facilities and for using a false bomb to create a scare in these facilities.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Lee, Blackmon, Conder, Forrester, Hoyle, Kincaid, Martin of Pitt, Parnell, Plexico, Sands, Speed, and Warren:

**S.B. 114**, a bill to provide that a portion of the net profits from prison enterprises and prison canteens shall be transferred to the Crime Victims Compensation Fund.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Lee and Hoyle:

**S.B. 115**, a bill to authorize the Legislative Research Commission to study the need for a survival fund for the families of slain law enforcement officers.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Hoyle and Forrester:

**S.B. 116**, a bill to appropriate funds to the Greater After Prison Support Program.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Hoyle, Forrester, Lee, Plyler, and Warren:

**S.B. 117**, a bill to increase the death benefit for certain State and local law enforcement officers and firemen killed in the line of duty.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators, Soles, Forrester, Hoyle, and Seymour:

**S.B. 118**, a bill to expand the jurisdiction of magistrates to dispose of infractions, to facilitate the procedure for disposing of infractions, and to allow magistrates to dispose of all Level I misdemeanors according to plea agreements between the State and defendants.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Soles, Forrester, Hoyle, and Seymour:

**S.B. 119**, a bill to provide concurrent jurisdiction between the District and Superior Courts for disposition of certain felonies.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Marshall, Johnson, and Folger:

**S.B. 120**, a bill to provide that records and files of juveniles adjudicated delinquent for a felony offense are open for inspection and use in subsequent juvenile and adult criminal proceedings.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Marshall and Folger:

**S.B. 121**, a bill to provide that persons violating probation may forfeit their drivers licenses and any licenses or permits issued by the Wildlife Resources Commission for up to three years.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Finance Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Marshall and Folger:

**S.B. 122**, a bill to provide for the detention of juveniles transferred for trial as adults in local confinement facilities.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Cooper:

**S.B. 123**, a bill to provide for the forfeiture or restriction of certain citizenship privileges of an individual convicted of a felony.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Finance Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Cooper:

**S.B. 124**, a bill to provide for the use of laser speed enforcement in North Carolina.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Cooper:

**S.B. 125**, a bill to amend Articles 52A and 53 of Chapter 14 of the General Statutes to conform with the "Brady Handgun Violence Prevention Act" and to make other changes.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Cooper:

**S.B. 126**, a bill to appropriate funds for the Family Preservation Services Program.

Referred to Select **Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Cooper:

**S.B. 127**, a bill to make selling or transferring of a pistol or crossbow without obtaining a permit negligence *per se* in any civil action resulting from the criminal misuse of the pistol or crossbow.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Plyler, Blackmon, Daniel, Hoyle, Lee, and Odom:

**S.B. 128**, a bill to appropriate funds to establish substance abuse programs in certain prisons.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Cochrane, Allran, Forrester, and Smith:

**S.B. 129**, a bill to effect long–term crime prevention by providing certain incentives to families receiving Aid to Families with Dependent Children to act responsibly in raising their children.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Allran:

**S.B. 130**, a bill to provide that it is unlawful to engage in vaginal intercourse or other sexual acts with a child under sixteen years of age.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Allran, Cochrane, Forrester, and Smith:

**S.B. 131**, a bill to direct the Department of Correction to bunk inmates in shifts.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Allran, Cochrane, and Forrester:

**S.B. 132**, a bill to restore the law to its state prior to 1971, so that a person does not have citizenship restored by completion of sentence, probation, or parole, but instead must wait two years after discharge and prove to the Superior Court good character.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Perdue:

**S.B. 133**, a bill to appropriate funds to construct and operate the Eastern Processing Center at Vanceboro, a top priority medium security prison facility.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Perdue, Gulley, and Allran:

**S.B. 134**, a bill to appropriate funds to allow more juveniles in need of a stable and disciplined upbringing to be placed in family group homes and residential placement facilities.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Perdue and Allran:

**S.B. 135**, a bill to provide a procedure for eliminating frivolous lawsuits by prisoners and to establish a partial filing fee for prisoners proceeding as indigents.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Perdue and Allran:

**S.B. 136**, a bill to amend various criminal appeals statutes to expedite the appeals of capital and other criminal cases.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Perdue and Allran:

**S.B. 137**, a bill to amend the Constitution to require the appellate courts to render a final decision in criminal cases within one year after the date the case was last scheduled for hearing.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Perdue:

**S.B. 138**, a bill to establish a program to provide school and family assistance to students who are not achieving at their full potential due to educational neglect.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Cooper:

**S.B. 139**, a bill to appropriate funds to the Department of Justice for additional legal staff positions at the Department of Correction.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Warren, Albertson, Allran, Blackmon, Carpenter, Codington, Conder, Forrester, Gulley, Gunter, Harris, Hoyle, Johnson, Kincaid, Lee, Martin of Pitt, Odom, Perdue, Plexico, Richardson, Sands, Shaw, Simpson, Smith, Walker, and Ward:

**S.B. 140**, a bill to amend the Constitution of North Carolina to establish rights for victims of crime.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Martin of Guilford, Shaw, Seymour, and Tally:

**S.B. 141**, a bill to appropriate funds for a new Guilford County juvenile detention facility.

Referred to **Select Committee on Juveniles/Preventions** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Winner of Mecklenburg, Allran, Gulley, Martin of Guilford, and Perdue:

**S.B. 142**, a bill to appropriate funds for the Alternatives to Detention Program.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Winner of Mecklenburg:

**S.B. 143**, a bill to appropriate funds for staff and staff support in the Juvenile Services Division of the Administrative Office of the Courts and to require a review of counselors' training qualifications and job training.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Winner of Mecklenburg, Conder, Cooper, Gulley, Hoyle, Martin of Guilford, Odom, Richardson, Tally, and Ward:

**S.B. 144**, a bill to appropriate funds for the establishment of local demonstration projects for the prevention of adolescent pregnancy.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Gulley and Odom:

**S.B. 145**, a bill to require a person, firm, or corporation that sells more than two firearms a year to obtain a firearms dealers privilege license and to increase the penalty for failure to obtain a license.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Odom, Lee, and Marshall:

**S.B. 146**, a bill to appropriate funds to the Department of Crime Control and Public Safety to implement a statewide program to purchase firearms from persons who choose to voluntarily surrender their dangerous firearms.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Odom, Blackmon, Folger, Lee, Marshall, and Smith:

**S.B. 147**, a bill to appropriate funds to the Department of Transportation for additional minimum custody road crews to increase the number of those crews working on roads in urban areas; to appropriate funds to the Department of Correction for additional minimum custody work crews to increase the number of those crews working on land and in buildings owned by local government; and to require that inmates on road crews be identifiable to the public.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Odom, Blackmon, Folger, Lee, Marshall, Plexico, and Plyler:

**S.B. 148**, a bill permitting the use of deadly force against an intruder under certain circumstances.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Odom, Blackmon, Folger, Lee, Marshall, and Plexico:

**S.B. 149**, a bill to provide a tuition incentive for North Carolina students enrolled in in–State and out–of–State institutions of higher education and proprietary schools and to appropriate funds, in order to effect long–term crime prevention by aiding people to be properly trained and gainfully employed.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Daniel:

**S.B. 150**, a bill to appropriate funds.

Referred to **Appropriations Committee**.

By Senator Daniel:

**S.B. 151**, a bill to appropriate funds.

Referred to **Appropriations Committee**.

By Senator Daniel:

**S.B. 152**, a bill to appropriate funds.

Referred to **Appropriations Committee**.

By Senator Daniel:

**S.B. 153**, a bill to provide a funding mechanism for the anticrime initiatives ratified by the General Assembly.

Referred to **Appropriations Committee**.

By Senator Daniel:

**S.B. 154**, a bill to provide a funding mechanism for the anticrime initiatives ratified by the General Assembly.

Referred to **Appropriations Committee**.

By Senator Daniel:

**S.B. 155**, a bill to provide a funding mechanism for the anticrime initiatives ratified by the General Assembly.

Referred to **Appropriations Committee**.

By Senator Daniel:
**S.B. 156**, a bill relating to court funding.
Referred to **Appropriations Committee**.

By Senator Daniel:
**S.B. 157**, a bill relating to election of Superior Court judges.
Referred to **Rules and Operation of the Senate Committee**.

By Senator Daniel:
**S.B. 158**, a bill relating to election of District Court judges.
Referred to **Rules and Operation of the Senate Committee**.

By Senator Daniel:
**S.B. 159**, a bill to appropriate expansion funds to the Judicial Department for necessary positions and equipment necessary to effect the crime prevention initiatives of the 1994 Extra Session of the 1993 General Assembly and for other purposes.
Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Daniel:
**S.B. 160**, a bill to raise the educational qualifications for the office of magistrate and to modify the magistrate's pay plan accordingly.
Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Daniel:
**S.B. 161**, a bill to create the Uniform Criminal Justice Information Network Legislative Study Commission and to appropriate funds to the General Assembly for the Commission.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Daniel:
**S.B. 162**, a bill to appropriate funds to the Department of Justice to provide grants to Sheriffs' Departments for drug purchases.
Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Daniel:
**S.B. 163**, a bill to direct the Department of Correction to bunk inmates in shifts.
Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Daniel:
**S.B. 164**, a bill to appropriate funds to the Department of Crime Control and Public Safety for a drug dealer conviction reward fund.
Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Plyler and Daniel:
**S.B. 165**, a bill to provide SBI field agents the same salary benefits as highway patrol members.
Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Plyler, Conder, and Hoyle:

**S.B. 166**, a bill to revise the habitual felon law to provide a meaningful sentence for repeat felony offenders.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Plyler, Conder, and Hoyle:

**S.B. 167**, a bill to provide that an enhanced sentence shall be imposed on a person convicted of a felony if the person was armed with or used a firearm during the commission of the felony.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Conder and Richardson:

**S.B. 168**, a bill to impose a criminal penalty upon a parent or guardian who repeatedly fails to adequately supervise the parent's child or the guardian's ward under eighteen years of age by allowing the child to engage in certain potentially harmful activities.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Gunter, Albertson, Edwards, Forrester, Gulley, Hartsell, Johnson, Jordan, Marshall, Martin of Pitt, Parnell, Perdue, Richardson, and Warren:

**S.B. 169**, a bill requiring each school to incorporate character education into its curriculum.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Gunter, Cochrane, Edwards, Folger, Forrester, Harris, Lee, Lucas, Marshall, Seymour, Smith, and Walker:

**S.B. 170**, a bill to require the registration of persons convicted of certain criminal sexual offenses.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Sands:

**S.J.R. 171**, a joint resolution reconvening the 1993 Regular Session for the sole purpose of ratifying bills, and then adjourning that Session to the time previously established.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Gunter, Forrester, Carpenter, and Allran:

**S.B. 172**, a bill to require local school administrative units to establish alternative school programs and to appropriate funds for those programs.

Referred to **Select Committee on Juveniles/Preventions** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Speed, Kerr, Carpenter, and Forrester:

**S.B. 173**, a bill to reduce General Fund appropriations by one percent other than to the Departments of Justice, Correction, and Crime Control and Public Safety.

Referred to **Appropriations Committee**.

Senator Sands offers a motion to the end that **Senate simple resolution 61,** previously filed for introduction and ordered held as filed in the Office of the Principal Clerk on February 10, be presented to the Senate for introduction, which motion prevails. The Senate simple resolution is presented, read, and disposed of as follows:

By Senators Sands, Kerr, Warren, and Gunter:

**S.R. 61**, a Senate simple resolution requesting members of Congress representing North Carolina to consider, sponsor, and push for enactment of constitutional legislation limiting violence on television.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Winner of Buncombe:

**S.B. 174**, a bill to divide each judicial division so as to reduce travel time and costs, to establish a new judicial pay scale, and to tie *per diem* reimbursement to Superior Court judges to travel outside the county of residence.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

On motion of Senator Basnight seconded by Senator Marshall, the Senate adjourns at 3:31 P.M. to meet tomorrow, Wednesday, February 16 at 1:30 P.M.

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## SIXTH DAY

SENATE CHAMBER,
Wednesday, February 16, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our God, many of us have come to the conclusion through our own life experiences that we can only truly know Your Will for us in retrospect. Prove us wrong today.

"In the quietness of the desert You spoke to Moses, and in the quiet cave Elijah hears Your Voice. Even so, speak to us in the quietness of this moment, that we, too, may know the direction of Your Will in all the great and small decisions of our lives. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, February 15, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Blackmon, due to a prior commitment, to Senator Hyde, and to Senator Edwards.

### REPORTS OF COMMITTEES

Bills are reported from select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Select Committee on Courts**:

**S.B. 72**, a bill to expedite the effectiveness of the State–County Criminal Justice Partnership Act and to appropriate funds to support the program, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 79**, a bill to reduce the eligibility for parole once it is denied to once every two years rather than once each year, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 84**, a bill to provide for dismissal with leave pursuant to a deferred prosecution agreement and the reinstitution of proceedings against a defendant that fails to comply with the terms of the agreement, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 1**, a bill to make technical amendments and conforming changes to the General Statutes and Session Laws relating to structured sentencing, misdemeanors, and felonies, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill 9787 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 33**, a bill to appropriate funds to the Department of Crime Control and Public Safety for development of a statewide criminal justice information system, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill 5754, which changes the title to read **S.B. 33** (Committee Substitute), a bill to appropriate funds to the Department of Crime Control and Public Safety for development of a statewide criminal justice information system and to appropriate funds to the Office of Budget and Management for development of a statewide integrated law enforcement communications system, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 82**, a bill to establish a legislative study on welfare reform, which reform will effect short–term and long–term crime prevention, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill 5753 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**H.B. 30** (Committee Substitute No. 2), a bill to require the Crime Victims Compensation Commission and its Director to deny a claim of a person who was engaged in criminal activity at or about the time the person's injury occurred, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the proposed Senate Committee Substitute bill 9326, which changes the title, upon concurrence, to read **H.B. 30** (Senate Committee Substitute), a bill to require the Crime Victims Compensation Commission and its Director to deny a claim of a person who was participating in a felony or a nontraffic misdemeanor at or about the time the person's injury occurred, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Appropriations Committee**.

**H.B. 34** (Committee Substitute), a bill to allow evidence of a lack of seat belt use to be admitted in a criminal or civil proceeding to establish a justification for the stop of a vehicle, the same as in all other motor vehicle law violations, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the proposed Senate Committee Substitute bill 7380 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Appropriations Committee**.

By Senator Odom for the **Select Committee on Corrections/Punishment**:

**S.B. 37**, a bill to appropriate funds for construction of a Drug and Alcohol Recovery Treatment (DART) Center, for operation of the center, and for the creation of a DWI database, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 75**, a bill to allow nontestimonial identification and publication of photographs of juveniles who have committed offenses that would be certain felonies if committed by adults, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 50**, a bill to provide that a defendant who agrees to a suspended sentence, probation, or an alternative sentence or punishment and who willfully violates a condition of that judgment may be held in criminal contempt for the violation, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 14**, a bill to provide for out–of–state housing of prison inmates, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Odom, the proposed Committee Substitute bill 5752 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

A bill is reported from a standing committee out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

**S.B. 17**, a bill to modify the prison population cap, with a favorable report, as amended.

Without objection, the Chair places the bill before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

On motion of Senator Daniel, the bill, as amended, is placed on the Calendar for today, for further consideration upon its passage.

## RECALL FROM COMMITTEE

**S.B. 50**, a bill to provide that a defendant who agrees to a suspended sentence, probation, or an alternative sentence or punishment and who willfully violates a condition of that judgment may be held in criminal contempt for the violation, as amended by the **Select Committee on Corrections/Punishment** and referred to the **Rules and Operation of the Senate Committee** earlier today.

Pursuant to Rule 47(b), with unanimous consent, Senator Sands offers a motion that the bill, as amended, be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill, as amended, taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 75**, a bill to allow nontestimonial identification and publication of photographs of juveniles who have committed offenses that would be certain felonies if committed by adults, referred to the **Rules and Operation of the Senate Committee** earlier today.

Pursuant to Rule 47(b), with unanimous consent, Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

## REPORT OF COMMITTEE

A select committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Martin of Guilford for the **Select Committee on Juveniles/Prevention**:

**S.B. 41**, a bill to require the public schools to provide instruction in respect for the laws of North Carolina and of the United States of America and obedience to the laws of morality and responsibility, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

## INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Ballance:

**S.B. 175,** a bill to allow a District Court judgeship to be activated in District Court District 10, because approval under Section 5 of the Voting Rights Act is not required in that District.

Referred to **Select Committee on Courts.**

By Senator Ballance:

**S.B. 176**, a bill to allow a district court judgeship to be activated in District Court District 10, because approval under Section 5 of the Voting Rights Act is not required in that District, and in District 30 where approval has been obtained, and to deal with the case of further partial preclearance.

Referred to **Select Committee on Courts.**

By Senator Ballance:

**S.B. 177**, a bill to set a filing period for candidacies for positions as superior court judge, district court judge, and district attorney recently precleared by the United States Department of Justice, and for other offices in districts affected by that preclearance.

Referred to **Select Committee on Courts.**

## RECALL FROM COMMITTEE

**S.B. 120**, a bill to provide that records and files of juveniles adjudicated delinquent for a felony offense are open for inspection and use in subsequent juvenile and adult criminal proceedings, referred to the **Select Committee on Corrections/Punishment** on February 15.

Pursuant to Rule 47(b), Senator Odom offers a motion that the bill be recalled from the **Select Committee on Corrections/Punishment** and re–referred to the **Select Committee on Juveniles/Prevention**, which motions prevail.

The Chair orders the bill taken from the **Select Committee on Corrections/Punishment** and re–referred to the **Select Committee on Juveniles/Prevention**.

## CALENDAR

With unanimous consent, on motion of Senator Basnight, all bills and resolutions ordered sent to the House of Representatives during this Extra Session of the 1993 General Assembly are sent by special messenger.

A bill on the Calendar is taken up and disposed of, as follows:

**S.B. 17**, a bill to modify the prison population cap, as amended by the **Appropriations Committee**, placed on the Calendar earlier today, upon its passage.

The bill, as amended, passes its second (42–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

## RECALL FROM COMMITTEE

**S.B. 79**, a bill to reduce the eligibility for parole once it is denied to once every two years rather than once each year, referred to the **Rules and Operation of the Senate Committee** earlier today.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Thursday, February 17, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Thursday, February 17.

**S.B. 84**, a bill to provide for dismissal with leave pursuant to a deferred prosecution agreement and the reinstitution of proceedings against a defendant that fails to comply with the terms of the agreement, referred to the **Rules and Operation of the Senate Committee** earlier today.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Thursday, February 17, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Thursday, February 17.

On motion of Senator Basnight, seconded by Senator Gunter, the Senate adjourns at 2:07 P.M. to meet tomorrow, Thursday, February 17, at 12:30 P.M.

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# SEVENTH DAY

SENATE CHAMBER,
Thursday, February 17, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"A zealous man of God once said that the answer to criminality is not recreation, education, or even legislation; it is a face to face encounter with You.

"Dear God, he could have made that statement about all of us. We might test his theory by personally beginning each day in Your Presence with the words of the psalmist on our lips, 'Create in me a clean heart, Oh God, and put a new and right spirit within me.'

"After such an experience, we may look the same to others, but we shall be perceived much differently. Because a change of heart is more than cosmetic. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, February 16, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Martin of Pitt, Senator Soles, and Senator Hyde.

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

## REPORTS OF COMMITTEES

Bills are reported from select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Select Committee on Courts**:

**S.B. 177**, a bill to set a filing period for candidacies for positions as superior court judge, district court judge, and district attorney recently precleared by the United States Department of Justice, and for other offices in districts affected by that preclearance, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 4712 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

On motion of Senator Cooper, the Committee Substitute bill remains before the Senate for immediate consideration upon its passage.

The Committee Substitute bill passes its second (44–0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senator Odom for the **Select Committee on Corrections/Punishment**:

**H.B. 7**, a bill to repeal the provision in the Structured Sentencing Act that would have provided that possession of less than one gram of cocaine was not a felony, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**H.B. 10** (Committee Substitute), a bill to amend the laws regarding the confiscation, forfeiture, and disposition of firearms, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Odom, the proposed Senate Committee Substitute bill 7381 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Appropriations Committee**.

**H.B. 11** (Committee Substitute), a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity from possessing a firearm or a weapon of death and mass destruction, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Odom, the proposed Senate Committee Substitute bill 7382, which changes the title, upon concurrence, to read **H.B. 11** (Senate Committee Substitute), a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity or a person determined to be incapable to proceed from possessing a firearm or a weapon of death and mass destruction, is placed before the Senate for immediate consideration.

On motion of Senator Odom, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Rules and Operation of the Senate Committee**.

A bill is reported from a standing committee out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

**S.B. 2**, a bill to provide for life without parole for first degree murder, as amended by the **Select Committee on Corrections/Punishment**, with a favorable report.

Additional bills are reported from a select committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Select Committee on Corrections/Punishment**:

**S.B. 53**, a bill to establish pilot programs for treatment of parolees and probationers with substance abuse problems and to appropriate funds, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 128**, a bill to appropriate funds to establish substance abuse programs in certain prisons, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

Senator Ballance offers a motion to suspend the rules to allow him a leave of absence from attending the Senate Session on Wednesday, February 16, which motion prevails.

The Chair directs the Journal reflect a leave of absence for Senator Ballance granted for Wednesday, February 16.

## CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

**S.B. 79**, a bill to reduce the eligibility for parole once it is denied to once every two years rather than once each year.

The bill passes its second reading (46–0).

On motion of Senator Odom, the Chair orders, without objection, the bill temporarily displaced.

**S.B. 84**, a bill to provide for dismissal with leave pursuant to a deferred prosecution agreement and the reinstitution of proceedings against a defendant that fails to comply with the terms of the agreement.

The bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives by special messenger.

**S.B. 79**, a bill to reduce the eligibility for parole once it is denied to once every two years rather than once each year, temporarily displaced earlier, upon third reading.

With unanimous consent, the measure remains before the Senate for further consideration upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives by special messenger.

## RECALL FROM COMMITTEE

**H.B. 30** (Senate Committee Substitute), a bill to require the Crime Victims Compensation Commission and its Director to deny a claim of a person who was participating in a felony or a nontraffic misdemeanor at or about the time the person's injury occurred, referred to the **Appropriations Committee** on February 16.

Senator Daniel offers a motion the Senate Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Friday, February 18, which motions prevail.

The Chair orders the Senate Committee Substitute bill recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Friday, February 18.

**H.B. 34** (Senate Committee Substitute), a bill to allow evidence of a lack of seat belt use to be admitted in a criminal or civil proceeding to establish a justification for the stop of a vehicle, the same as in all other motor vehicle law violations, referred to the **Appropriations Committee** on February 16.

Senator Daniel offers a motion the Senate Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Friday, February 18, which motions prevail.

The Chair orders the Senate Committee Substitute bill recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Friday, February 18.

## ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

**S.B. 177** (Committee Substitute), an act to set a filing period for candidacies for positions as superior court judge, district court judge, and district attorney recently precleared by the United States Department of Justice, and for other offices in districts affected by that preclearance. (Ch. 1)

On motion of Senator Basnight, seconded by Senator Shaw, the Senate adjourns at 2:45 P.M. to meet tomorrow, Friday, February 18, at 12:00 Noon.

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# EIGHTH DAY

SENATE CHAMBER,
Friday, February 18, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, we want to believe that the world we live in makes sense, that there is a pattern to it, and we look to You to teach us that pattern.

"But, like the man who said, 'Lord, I believe, help my unbelief,' we must be taught that to really trust the world we must look at it through the eyes of faith. We must understand that to love our neighbors means calling out of them their highest and best selves, even if that's not what they want. In faith and gratitude we pray. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Thursday, February 17, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Forrester, who is covering his medical practice for weekend call; to Senator Plexico, who is representing the Senate at the State meeting of County Boards of Elections as the Senate Chairman of the Election Laws Review Study Commission; and to Senator Folger, Senator Edwards, and Senator Hyde. A leave of absence is granted to Senator Marshall for a portion of today's session.

## REPORTS OF COMMITTEES

Bills are reported from select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Odom for the **Select Committee on Corrections/Punishment**:

**S.B. 5**, a bill to provide life without parole for a third violent felony conviction, with a favorable report.
Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 71**, a bill to appropriate funds for the earlier implementation of the Structured Sentencing Act, with a favorable report.
Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 97**, a bill to authorize the Secretary of Correction to contract for the housing of prisoners in privately operated correctional facilities, with a favorable report.
Pursuant to Rule 43, the bill is re–referred to the **Rules and Operation of the Senate Committee**.

## CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

**S.B. 2**, a bill to provide for life without parole for first degree murder, as amended by the **Select Committee on Corrections/Punishment**.
Senator Odom offers Amendment No. 2 which is adopted (41–0).
Senator Gulley offers Amendment No. 3 which he subsequently withdraws.
Pursuant to Rule 42.3A, the Chair rules the fiscal note attached to the jacket of the measure meets the provisions of G.S. 120–30.
The bill, as amended, passes its second (39–5) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

## REPORTS OF COMMITTEES

Select committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Select Committee on Courts**:

**S.B. 164**, a bill to appropriate funds to the Department of Crime Control and Public Safety for a drug dealer conviction reward fund, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 165**, a bill to provide SBI field agents the same salary benefits as highway patrol members, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 174**, a bill to divide each judicial division so as to reduce travel time and costs, to establish a new judicial pay scale, and to tie per diem reimbursement to Superior Court judges to travel outside the county of residence, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

By Senator Cooper for the **Select Committee on Courts**:

**S.B. 124**, a bill to provide for the use of laser speed enforcement in North Carolina, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 159**, a bill to appropriate expansion funds to the Judicial Department for necessary positions and equipment necessary to effect the crime prevention initiatives of the 1994 Extra Session of the 1993 General Assembly and for other purposes, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 116**, a bill to appropriate funds to the Greater After Prison Support Program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 4713 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 139**, a bill to appropriate funds to the Department of Justice for additional legal staff positions at the Department of Correction, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 1739 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 176**, a bill to allow a district court judgeship to be activated in District Court District 10, because approval under Section 5 of the Voting Rights Act is not required in that District, and in District 30 where approval has been obtained, and to deal with the case of further partial preclearance, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 9791 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

The Chair orders the Committee Substitute bill placed on the Calendar for the next legislative day, for further consideration.

## RECALL FROM COMMITTEE

**S.B. 97**, a bill to authorize the Secretary of Correction to contract for the housing of prisoners in privately operated correctional facilities, referred to the **Rules and Operation of the Senate Committee** earlier today.

Senator Sands offers a motion the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill recalled from the **Rules and Operation of the Senate Committee** and re–refers the measure to the **Appropriations Committee**.

**CALENDAR** (Continued)

**H.B. 30** (Senate Committee Substitute), a bill to require the Crime Victims Compensation Commission and its Director to deny a claim of a person who was participating in a felony or a nontraffic misdemeanor at or about the time the person's injury occurred.

The Senate Committee Substitute bill passes its second (40–0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill which changes the title.

**H.B. 34** (Senate Committee Substitute), a bill to allow evidence of a lack of seat belt use to be admitted in a criminal or civil proceeding to establish a justification for the stop of a vehicle, the same as in all other motor vehicle law violations.

The Senate Committee Substitute bill passes its second (37–2) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

On motion of Senator Basnight, seconded by Senator Sands, the Senate adjourns at 1:16 P.M. to meet Tuesday, February 22, at 1:30 P.M.

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## NINTH DAY

SENATE CHAMBER,
Tuesday, February 22, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, at the beginning of another week in the Senate and on a day that marks the anniversary of the birthday of our country's first president, we remember George Washington's words, 'Labour to keep alive in your breast that little spark of celestial fire, — Conscience.'

"Perhaps President Washington knew that the laws written on our hearts through Your Presence and Guidance inform and define all other laws. Let conscience dictate and affirm all that we do here, this week. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Friday, February 18, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Warren, due to a medical appointment.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**H.B. 27** (Committee Substitute), a bill to provide that a court may order that juvenile records of juveniles adjudicated or convicted of Class A – E felonies may be used at a subsequent criminal trial either in the guilt phase or to prove an aggravating factor at sentencing.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

**H.B. 32** (Committee Substitute), a bill to require the Clerk of Superior Court to include the names of any victims in the information attached to a prisoner's commitment.

Referred to **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee.**

**H.B. 57**, a bill to authorize, under certain conditions, magistrates to issue domestic violence restraining orders and to make conforming changes to the General Statutes.

Referred to **Select Committee on Courts.**

## CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

**S.B. 176** (Committee Substitute), a bill to allow a district court judgeship to be activated in District Court District 10, because approval under Section 5 of the Voting Rights Act is not required in that District, and in District 30 where approval has been obtained, and to deal with the case of further partial preclearance.

The Committee Substitute bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives by special messenger.

## REPORTS OF COMMITTEES

Bills are reported from select committees out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Odom for the **Select Committee on Corrections/Punishment**:

**S.B. 44**, a bill permitting the use of deadly force against an intruder under certain circumstances, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Odom, the proposed Committee Substitute bill 7814 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 46**, a bill to amend the habitual felon law by redefining habitual felon and providing that the court shall automatically impose an enhanced sentence on a defendant who is an habitual felon, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Odom, the proposed Committee Substitute bill 4714, which changes the title to read **S.B. 46** (Committee Substitute), a bill to amend the habitual felon law by redefining habitual felon and providing that the court may impose an enhanced sentence on a defendant who is an habitual felon, is placed before the Senate for immediate consideration.

On motion of Senator Odom, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 70**, a bill to reinstate the recommendation of the Sentencing Commission regarding the habitual felon law; to provide that a defendant convicted of murder in the first degree may be sentenced to life without parole; to repeal the provision in the Structured Sentencing Act that would have provided that possession of less than one gram of cocaine was not a felony; to clarify that persons sentenced under the Structured Sentencing Act shall not be released under the prison population cap; to provide for the earlier implementation of structured sentencing by amending the effective dates of Chapters 538 and 539 of the 1993 Session Laws; to provide that a defendant who uses or threatens to use a firearm during the commission of a felony offense shall be sentenced to the mandatory maximum punishment for that felony offense; and to provide that a person who commits a third violent felony may be sentenced to life imprisonment without parole, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Odom, the proposed Committee Substitute bill 2759, which changes the title to read **S.B. 70** (Committee Substitute), a bill to provide for the earlier implementation of structured sentencing, is placed before the Senate for immediate consideration.

On motion of Senator Odom, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

By Senator Cooper for the **Select Committee on Courts**:

**S.B. 83**, a bill to repeal the prohibition on photographing and fingerprinting sixteen and seventeen year old juveniles under the jurisdiction of the Superior Court, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 5756, which changes the title to read **S.B. 83** (Committee Substitute), a bill to repeal the prohibition on photographing and fingerprinting sixteen– and seventeen–year–old juveniles under the jurisdiction of the Superior Court and providing for the automatic destruction of such records for all persons under eighteen if found not guilty or charge is dismissed, except as otherwise provided, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Rules and Operation of the Senate Committee**.

By Senator Ballance for the **Select Committee on Corrections/Punishment**:

**S.B. 85**, a bill to appropriate funds to the Judicial Department for the use of the Police Information Network (PIN) by district attorneys, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 106**, a bill to appropriate funds to the Satellite Jail/Work Release Unit Fund, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

## RECALL FROM COMMITTEE

**S.B. 161**, a bill to create the Uniform Criminal Justice Information Network Legislative Study Commission and to appropriate funds to the General Assembly for the Commission, referred to the **Rules and Operation of the Senate Committee** on February 15.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 98**, a bill to create the Legislative Study Commission on Farm Camp Programs and to appropriate funds, referred to the **Rules and Operation of the Senate Committee** on February 15.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 117**, a bill to increase the death benefit for certain State and local law enforcement officers and firemen killed in the line of duty, referred to the **Rules and Operation of the Senate Committee** on February 15.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

The President recognizes the following pages serving in the Senate this week: Shannon Lynn Barker, Semora; Melissa Clare Bradley, Fuquay–Varina; Toshia Faye Braswell, Snow Hill; LaKisha Cameron, Raleigh; Matt Clayton, Cary; Alyson Sutton Evans, Rocky Mount; Lionel "Shane" Fernando, Wilmington; Joel Tyrone Gupton, Supply; John Nathan Hall, Spruce Pine; Anna Bradsher Honeycutt, Raleigh; B. Walker Jeffers, Raleigh; Chris Johnson, Washington; Toni Khoutsvanh, High Point; Steven Kirschbaum, Raleigh; Warte Moore, Ayden; Israel Gray Morrow, Claremont; Jennifer R. Murphy, Yanceyville; Eric Oden, Washington; Amanda Leigh Price, Cary; Hunter Rion, Raleigh; and Karen Thompson, Blanch.

On motion of Senator Basnight, seconded by Senator Kincaid, the Senate adjourns at 1:55 P.M. to meet tomorrow, Wednesday, February 23, at 1:30 P.M.

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## TENTH DAY

SENATE CHAMBER,
Wednesday, February 23, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, on the days when our calendars are full and our 'things to do' lists are so long and complex, forgive us for being too pragmatic.

"In order to complete all of our tasks quickly, pragmatism coerces us to ask the question, 'Will it work?' when instead we should be asking, 'Is it right?'

"When we have time for only one question, Lord, let it be the latter. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, February 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Richardson and to Senator Cooper, whose child is having surgery in Chapel Hill.

## REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

**S.B. 41**, a bill to require the public schools to provide instruction in respect for the laws of North Carolina and of the United States of America and obedience to the laws of morality and responsibility, with a favorable report.

**S.B. 44** (Committee Substitute), a bill permitting the use of deadly force against an intruder under certain circumstances, as rewritten by the **Select Committee on Corrections/Punishment**, with a favorable report.

**S.B. 39**, a bill to require the Department of Correction to develop a plan for providing all inmates with literacy and job training skills prior to release from prison, as amended by the **Select Committee on Corrections/Punishment**, with a favorable report, as amended.

Bills are reported from select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Select Committee on Courts:**

**S.B. 90**, a bill to appropriate funds for the construction and operation of group homes to house juvenile offenders referred by the court who are in need of supervision, safe housing, and mental health treatment, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 111**, a bill to appropriate funds to construct a physical training facility for youth offenders, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 114**, a bill to provide that a portion of the net profits from prison enterprises and prison canteens shall be transferred to the Crime Victims Compensation Fund, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 143**, a bill to appropriate funds for staff and staff support in the Juvenile Services Division of the Administrative Office of the Courts and to require a review of counselors' training qualifications and job training, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 170**, a bill to require the registration of persons convicted of certain criminal sexual offenses, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill 9792 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

By Senator Ballance for the **Select Committee on Corrections/Punishment:**

**S.B. 15**, a bill to authorize the Secretary of Correction to contract with private for–profit or nonprofit firms to provide and operate treatment centers for the care of inmates diagnosed as needing treatment for alcohol or drug abuse, and to appropriate funds to contract for those treatment centers, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 102**, a bill to direct the Department of Correction to develop plans for a pilot program for the operation of a prison work camp by a county or coalition of counties, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Perdue for the **Select Committee on Juveniles/Prevention:**

**S.B. 25**, a bill to appropriate funds for detention center beds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 4717, which changes the title to read **S.B. 25** (Committee Substitute), a bill to appropriate funds for detention center beds, training school operation, alternatives to detention program, group homes and residential placement facilities, community–based alternatives program, and evaluation of juvenile justice system, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

**S.B. 126**, a bill to appropriate funds for the Family Preservation Services Program, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

**S.B. 144**, a bill to appropriate funds for the establishment of local demonstration projects for the prevention of adolescent pregnancy, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**H.B. 29** (Committee Substitute), a bill to provide for commitment of juveniles adjudicated delinquent for certain felony offenses to age eighteen.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee.**

## RECALL FROM COMMITTEE

**S.R. 61**, a Senate simple resolution requesting members of Congress representing North Carolina to consider, sponsor, and push for enactment of constitutional legislation limiting violence on television, referred to the **Rules and Operation of the Senate Committee** on February 15.

Pursuant to Rule 47(b), Senator Sands offers a motion that the Senate simple resolution be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the Senate simple resolution taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 65,** a bill to require all State and non–State agencies that receive funds for implementing anticrime initiatives to report to the Joint Legislative Corrections Oversight Committee, referred to the **Rules and Operation of the Senate Committee** on February 15.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 66**, a bill to direct the Administrative Office of the Courts to study the underutilization of the deferred prosecution program, referred to the **Rules and Operation of the Senate Committee** on February 15.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 67**, a bill to direct the Department of Correction to study the feasibility of diverting probation and parole violators to residential community corrections centers, referred to the **Rules and Operation of the Senate Committee** on February 15.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 92**, a bill to authorize the Legislative Research Commission to study the proliferation and criminal use of weapons in North Carolina, referred to the **Rules and Operation of the Senate Committee** on February 15.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 98**, a bill to create the Legislative Study Commission on Farm Camp Programs and to appropriate funds.

Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 99**, a bill to remove the restrictions on judicial campaigns, referred to the **Rules and Operation of the Senate Committee** on February 15.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 115**, a bill to authorize the Legislative Research Commission to study the need for a survival fund for the families of slain law enforcement officers, referred to the **Rules and Operation of the Senate Committee** on February 15.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 117**, a bill to increase the death benefit for certain State and local law enforcement officers and firemen killed in the line of duty.

Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 124**, a bill to provide for the use of laser speed enforcement in North Carolina, referred to the **Rules and Operation of the Senate Committee** on February 18.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 157**, a bill relating to election of Superior Court judges, referred to the **Rules and Operation of the Senate Committee** on February 15.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 158**, a bill relating to election of District Court judges, referred to the **Rules and Operation of the Senate Committee** on February 15.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 161**, a bill to create the Uniform Criminal Justice Information Network Legislative Study Commission and to appropriate funds to the General Assembly for the Commission.

Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

## RECONSIDERATION

Senator Sands offers a motion that the vote by which the motions to recall from the **Rules and Operation of the Senate Committee** and re–refer the following bills to the **Appropriations Committee** prevailed be reconsidered, which motions prevail:

**S.B. 98**, a bill to create the Legislative Study Commission on Farm Camp Programs and to appropriate funds.

**S.B. 117**, a bill to increase the death benefit for certain State and local law enforcement officers and firemen killed in the line of duty.

**S.B. 161**, a bill to create the Uniform Criminal Justice Information Network Legislative Study Commission and to appropriate funds to the General Assembly for the Commission.

Pursuant to the re–referral of the bills to the **Appropriations Committee** on February 22, with unanimous consent, Senator Sands withdraws his motions to recall the bills from the **Rules and Operation of the Senate Committee**

## RECALL FROM COMMITTEE

**S.B. 46** (Committee Substitute), a bill to amend the habitual felon law by redefining habitual felon and providing that the court may impose an enhanced sentence on a defendant who is an habitual felon, referred to the **Rules and Operation of the Senate Committee** on February 22.

Pursuant to Rule 47(b), Senator Sands offers a motion that the Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Thursday, February 24, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Thursday, February 24, upon its passage.

**S.B. 83** (Committee Substitute), a bill to repeal the prohibition on photographing and fingerprinting sixteen– and seventeen–year–old juveniles under the jurisdiction of the Superior Court and providing for the automatic destruction of such records for all persons under eighteen if found not guilty or charge is dismissed, except as otherwise provided, referred to the **Rules and Operation of the Senate Committee** on February 22.

Pursuant to Rule 47(b), Senator Sands offers a motion that the Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Thursday, February 24, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Thursday, February 24, upon its passage.

## REPORTS OF COMMITTEE

Bills are reported from a select committee out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Select Committee on Juveniles/Prevention:**

**S.B. 18**, a bill to implement the Save Our Students (S.O.S.) Program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

With unanimous consent, the proposed Committee Substitute bill 4718, which changes the title to read **S.B. 18** (Committee Substitute), a bill to implement the Support Our Students (S.O.S.) Program, to establish the Family Resource Center Grant Program, and to appropriate funds for these programs, is placed before the Senate for immediate consideration and adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

**S.B. 38**, a bill to create the Governor's Council on Children, Youth, and Families, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

With unanimous consent, the proposed Committee Substitute bill 2760, which changes the title to read **S.B. 38** (Committee Substitute), a bill to create the Governor's Council on Children, Youth, and Families, to create County Councils on Children, Youth, and Families, and to make an appropriation, is placed before the Senate for immediate consideration and adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

On motion of Senator Basnight, seconded by Senator Seymour, the Senate adjourns at 2:43 P.M. to meet tomorrow, Thursday, February 24, at 8:30 A.M.

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## ELEVENTH DAY

SENATE CHAMBER,
Thursday, February 24, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with a quote by Frederick Buechner, as follows:

"Judgment is a precarious responsibility, O God.

"Judge not that you be not judged, the Scripture says. But rather than to exonerate us from the difficult task of making judgments, this Scripture reminds us that we are, all of us, judged every day.

"'By You, by the face that looks back at us from the mirror, by the faces of the people we love, and the faces of the unloved in our world.'

"Each day finds us at the junction of many roads, and we are judged as much by the roads we have not taken as by the roads we have.

"Guide us, Dear Lord, in our judgments, today. Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, February 23, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Kaplan, who is attending a funeral; to Senator Edwards, to Senator Richardson, and to Senator Cooper.

The Chair extends courtesies of the floor to William H. Barker, former Senator from Pamlico County.

### REPORTS OF COMMITTEES

Bills and a resolution are reported from select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Select Committee on Juveniles/Prevention:**

**S.B. 80**, a bill to establish a grant program for local crime prevention pilot programs that focus on truancy and truancy–related crime, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 86**, a bill to appropriate funds to develop comprehensive coordinated child and adolescent alcohol and other drug mentoring initiatives in order to effect short–term and long–term crime prevention, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 88**, a bill to prohibit the teaching or discussion in any class of any information related to sexual practices that are not lawful in North Carolina, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 21**, a bill to appropriate funds for construction and operation of a boot camp for youthful offenders, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendments No. 1 and No. 2 are adopted.

The Chair orders the measure, as amended, engrossed and re–referred to the **Appropriations Committee**.

**S.B. 42**, a bill to appropriate funds for an alternative schools grant program and to permit judges to assign students to alternative schools, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 5762 is placed before the Senate for immediate consideration, and on her further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 93**, a bill to establish the North Carolina Service Corps and to appropriate funds for its implementation, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 7816 is placed before the Senate for immediate consideration, and on her further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 81**, a bill to raise the defined age of undisciplined juveniles from sixteen years to eighteen years in certain circumstances, with an unfavorable report.

**S.B. 104**, a bill to create the crime of feticide, with an unfavorable report.

By Senator Soles for the **Select Committee on Courts:**

**S.J.R. 68**, a joint resolution urging the government of the State of North Carolina to take a leadership role in hiring qualified persons who have completed prison sentences or who are on parole, with a favorable report.

Pursuant to Rule 43, the joint resolution is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 118**, a bill to expand the jurisdiction of magistrates to dispose of infractions, to facilitate the procedure for disposing of infractions, and to allow magistrates to dispose of all Level I misdemeanors according to plea agreements between the State and defendants, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 119**, a bill to provide concurrent jurisdiction between the District and Superior Courts for disposition of certain felonies, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 160**, a bill to raise the educational qualifications for the office of magistrate and to modify the magistrate's pay plan accordingly, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**H.B. 57**, a bill to authorize, under certain conditions, magistrates to issue domestic violence restraining orders and to make conforming changes to the General Statutes, with a favorable report.

**S.B. 103**, a bill to increase the costs in criminal actions before the General Court of Justice to provide funds to be used as reward money to be paid out by local "crime stoppers" programs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill 7815, which changes the title to read **S.B. 103** (Committee Substitute), a bill to appropriate funds to local "crime stoppers" programs throughout the State, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee**.

**S.B. 112**, a bill to appropriate funds for pilot programs to provide alternatives to incarceration for people with mental retardation, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill 1743 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**H.B. 32** (Committee Substitute), a bill to require the Clerk of Superior Court to include the names of any victims in the information attached to a prisoner's commitment, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the proposed Senate Committee Substitute bill 4253 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Appropriations Committee**.

## RECALL FROM COMMITTEE

**S.B. 103** (Committee Substitute), a bill to appropriate funds to local "crime stoppers" programs throughout the State, referred to the **Finance Committee** earlier today.

Pursuant to Rule 47(b), Senator Winner of Buncombe offers a motion that the Committee Substitute bill be recalled from the **Finance Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Finance Committee** and re–referred to the **Appropriations Committee**.

## REPORTS OF COMMITTEES

Select committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Odom for the Select Committee on Corrections/Punishment:

**S.B. 162**, a bill to appropriate funds to the Department of Justice to provide grants to Sheriffs' Departments for drug purchases, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Odom, the proposed Committee Substitute bill 2762, which changes the title to read **S.B. 162** (Committee Substitute), a bill to appropriate funds to the Department of Justice to provide grants to Sheriffs' Departments or other local law enforcement agencies for drug purchases, is placed before the Senate for immediate consideration.

On motion of Senator Odom, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 47**, a bill to raise the maximum daily wage paid to prisoners by prison enterprises and to provide that those wages be paid on an hourly or production–quota basis, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**S.B. 48**, a bill to raise the classification of all felonious acts of burglary and felonious acts of arson by two classes, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 56**, a bill to create the Legislative Commission on the Causes of Crime in North Carolina and to appropriate funds to the General Assembly for the Commission, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 94**, a bill to add 744 prison beds by appropriating funds for additional dayroom space at minimum and medium custody correctional facilities, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 133**, a bill to appropriate funds to construct and operate the Eastern Processing Center at Vanceboro, a top priority medium security prison facility, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 3**, a bill to provide that a person convicted of a rape or sex offense that the court finds to be especially heinous, atrocious, or cruel shall be sentenced to life imprisonment without parole, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Odom, the proposed Committee Substitute bill 5761, which changes the title to read **S.B. 3** (Committee Substitute), a bill to increase the punishment under structured sentencing for first degree rape and first degree sexual offense, including life without parole for prior record Levels IV, V, and VI, is placed before the Senate for immediate consideration.

On motion of Senator Odom, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 8**, a bill to prohibit the possession of firearms and weapons of mass death and destruction by felons, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Odom, the proposed Committee Substitute bill 2763 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 49**, a bill to impose criminal penalties for the abuse or neglect of elder adults living at home, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Odom, the proposed Committee Substitute bill A741 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 63**, a bill to provide that a convict or felon sentenced to death shall be executed in public by electrocution, by hanging, or by the administration of lethal gas or drugs in the county seat where the capital crime occurred, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Odom, the proposed Committee Substitute bill 1745, which changes the title to read **S.B. 63** (Committee Substitute), a bill to provide that a convict or felon sentenced to death shall be executed in public, is placed before the Senate for immediate consideration.

On motion of Senator Odom, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 148**, a bill permitting the use of deadly force against an intruder under certain circumstances, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Odom, the proposed Committee Substitute bill 2761, which changes the title to read **S.B. 148** (Committee Substitute), a bill creating a *prima facie* presumption that the use of deadly force against an intruder is justified under certain circumstances, is placed before the Senate for immediate consideration.

On motion of Senator Odom, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 167**, a bill to provide that an enhanced sentence shall be imposed on a person convicted of a felony if the person was armed with or used a firearm during the commission of the felony, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Odom, the proposed Committee Substitute bill 5760 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

By Senator Ballance for the **Select Committee on Corrections/Punishment:**

**S.B. 4**, a bill to revise the effective date of structured sentencing for certain violent offenses, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the proposed Committee Substitute bill 5757 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 147**, a bill to appropriate funds to the Department of Transportation for additional minimum custody road crews to increase the number of those crews working on roads in urban areas; to appropriate funds to the Department of Correction for additional minimum custody work crews to increase the number of those crews working on land and in buildings owned by local government; and to require that inmates on road crews be identifiable to the public, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the proposed Committee Substitute bill A740, which changes the title to read **S.B. 147** (Committee Substitute), a bill to appropriate funds to the Department of Transportation for additional minimum and medium custody road crews to increase the number of those crews working on roads in urban areas; to appropriate funds to the Department of Correction for additional minimum and medium custody work crews to increase the number of those crews working on land and in buildings owned by local governments; and to require that inmates on road crews be identifiable to the public, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

## CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

**S.B. 39**, a bill to require the Department of Correction to develop a plan for providing all inmates with literacy and job training skills prior to release from prison, as amended by the **Select Committee on Corrections/Punishment**.

On motion of Senator Odom, Committee Amendment No. 2 is adopted, changing the title to read **S.B. 39**, a bill to require the Department of Correction to develop a plan for providing inmates with literacy and job training skills prior to release from prison.

Without objection, on motion of Senator Daniel, the bill, as amended, is temporarily displaced.

**S.B. 46** (Committee Substitute), a bill to amend the habitual felon law by redefining habitual felon and providing that the court may impose an enhanced sentence on a defendant who is an habitual felon.

With unanimous consent, on motion of Senator Daniel, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Daniel, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 41**, a bill to require the public schools to provide instruction in respect for the laws of North Carolina and of the United States of America and obedience to the laws of morality and responsibility.

Senator Sands offers Amendment No. 1.

Without objection, on motion of Senator Sands, the bill, with Amendment No. 1 pending, is temporarily displaced.

**S.B. 44** (Committee Substitute), a bill permitting the use of deadly force against an intruder under certain circumstances.

The Chair rules a fiscal note required prior to consideration.

On motion of Senator Kincaid, consideration of the Committee Substitute bill is postponed until tomorrow, Friday, February 25, for receipt of a fiscal note.

**S.B. 83** (Committee Substitute), a bill to repeal the prohibition on photographing and fingerprinting sixteen– and seventeen–year–old juveniles under the jurisdiction of the Superior Court and providing for the automatic destruction of such records for all persons under eighteen if found not guilty or charge is dismissed, except as otherwise provided.

The Committee Substitute bill passes its second (41–0) and third readings and is ordered sent to the House of Representatives by special messenger.

**S.B. 41**, a bill to require the public schools to provide instruction in respect for the laws of North Carolina and of the United States of America and obedience to the laws of morality and responsibility, with Amendment No. 1 pending, temporarily displaced earlier.

Senator Sands offers Amendment No. 2, perfecting Amendment No. 1, which is adopted (41–0).

Amendment No. 1, offered by Senator Sands, as amended, is adopted (40–0).

The bill, as amended, passes its second (41–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

## RECALL FROM COMMITTEE

**S.B. 131**, a bill to direct the Department of Correction to bunk inmates in shifts, referred to the **Select Committee on Corrections/Punishment** on February 15.

Pursuant to Rule 47(b), Senator Odom offers a motion that the bill be recalled from the **Select Committee on Corrections/Punishment** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Select Committee on Corrections/ Punishment** and re–referred to the **Appropriations Committee**.

**S.B. 163**, a bill to direct the Department of Correction to bunk inmates in shifts, referred to the **Select Committee on Corrections/Punishment** on February 15.

Pursuant to Rule 47(b), Senator Odom offers a motion that the bill be recalled from the **Select Committee on Corrections/Punishment** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Select Committee on Corrections/ Punishment** and re–referred to the **Appropriations Committee**.

## CALENDAR (Continued)

**S.B. 39**, a bill to require the Department of Correction to develop a plan for providing inmates with literacy and job training skills prior to release from prison, as amended, temporarily displaced earlier.

On motion of Senator Daniel, further consideration of the bill, as amended, is postponed until Tuesday, March 1.

## REPORTS OF COMMITTEE

A select committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Select Committee on Courts:**

**S.B. 35**, a bill to establish an additional superior court judgeship and five additional assistant district attorney positions in Mecklenburg County and to appropriate funds for the Mecklenburg County Drug Court Program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill 5759, which changes the title to read **S.B. 35** (Committee Substitute), a bill to establish one additional Superior Court Judgeship, one Special Superior Court Judgeship, and five additional assistant district attorney positions; to establish a pilot drug court program in the Thirteenth Judicial District; to appropriate funds for the Mecklenburg County Drug Court Program and the pilot drug court program; and to require the imposition of sanctions for an unfounded affidavit charging a district attorney with grounds for removal, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 113**, a bill to increase the penalties for making false bomb reports to certain educational, industrial, and governmental facilities and for using a false bomb to create a scare in these facilities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill 1744, which changes the title to read **S.B. 113** (Committee Substitute), a bill to increase the penalties for making false bomb reports and for using a false bomb to create a scare, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 123**, a bill to provide for the forfeiture or restriction of certain citizenship privileges of an individual convicted of a felony, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill 7817, which changes the title to read **S.B. 123** (Committee Substitute), a bill to provide for the forfeiture or restriction of certain citizenship privileges of an individual convicted of a crime, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee**.

**S.B. 132**, a bill to restore the law to its state prior to 1971, so that a person does not have citizenship restored by completion of sentence, probation, or parole, but instead must wait two years after discharge and prove to the Superior Court good character, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill 2764 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 137**, a bill to amend the Constitution to require the appellate courts to render a final decision in criminal cases within one year after the date the case was last scheduled for hearing, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill A743, which changes the title to read **S.B. 137** (Committee Substitute), a bill to authorize the Criminal Law Study Committee of the Legislative Research Commission to study the needs and ways to expedite the criminal appeals process and reduce frivolous lawsuits by inmates, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 140**, a bill to amend the Constitution of North Carolina to establish rights for victims of crime, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill 9793 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 145**, a bill to require a person, firm, or corporation that sells more than two firearms a year to obtain a firearms dealers privilege license and to increase the penalty for failure to obtain a license, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill A742, which changes the title to read **S.B. 145** (Committee Substitute), a bill to increase the penalty for failure to obtain a privilege license to be a dealer in firearms or other weapons, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee**.

## RECALL FROM COMMITTEE

**S.B. 132** (Committee Substitute), a bill to restore the law to its state prior to 1971, so that a person does not have citizenship restored by completion of sentence, probation, or parole, but instead must wait two years after discharge and prove to the Superior Court good character, reported from the **Select Committee on Courts**, adopted, and referred to the **Rules and Operation of the Senate Committee** earlier today.

Pursuant to Rule 47(b), Senator Sands offers a motion that the Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Finance Committee**, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Finance Committee**.

**S.B. 148** (Committee Substitute), a bill creating a *prima facie* presumption that the use of deadly force against an intruder is justified under certain circumstances, reported from the **Select Committee on Corrections/Punishment**, adopted, and referred to the **Rules and Operation of the Senate Committee** earlier today.

Pursuant to Rule 47(b), Senator Sands offers a motion that the Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar for Monday, February 28, upon its passage, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for Monday, February 28.

**S.J.R. 68**, a joint resolution urging the government of the State of North Carolina to take a leadership role in hiring qualified persons who have completed prison sentences or who are on parole, referred to the **Rules and Operation of the Senate Committee** earlier today.

Pursuant to Rule 47(b), Senator Sands offers a motion that the joint resolution be recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar for Monday, February 28, upon its passage, which motions prevail.

The Chair orders the joint resolution taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for Monday, February 28.

**S.B. 88**, a bill to prohibit the teaching or discussion in any class of any information related to sexual practices that are not lawful in North Carolina, referred to the **Rules and Operation of the Senate Committee** earlier today.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Friday, February 25, upon its passage, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Friday, February 25.

**S.B. 48**, a bill to raise the classification of all felonious acts of burglary and felonious acts of arson by two classes, referred to the **Rules and Operation of the Senate Committee** earlier today.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 49** (Committee Substitute), a bill to impose criminal penalties for the abuse or neglect of elder adults living at home, referred to the **Rules and Operation of the Senate Committee** earlier today.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 118**, a bill to expand the jurisdiction of magistrates to dispose of infractions, to facilitate the procedure for disposing of infractions, and to allow magistrates to dispose of all Level I misdemeanors according to plea agreements between the State and defendants, referred to the **Rules and Operation of the Senate Committee** earlier today.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 119**, a bill to provide concurrent jurisdiction between the District and Superior Courts for disposition of certain felonies, referred to the **Rules and Operation of the Senate Committee** earlier today.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

## RECONSIDERATION

**S.B. 148** (Committee Substitute), a bill creating a *prima facie* presumption that the use of deadly force against an intruder is justified under certain circumstances, ordered placed on the Calendar for Monday, February 28, earlier today.

Senator Sands offers a motion that the vote by which the motion to place the measure on the Calendar for Monday, February 28, prevailed, be reconsidered, which motion prevails.

With unanimous consent, Senator Sands withdraws his motion to place the measure on the Calendar for February 28 and offers a motion to re–refer the measure to the **Appropriations Committee**, which motion prevails.

The Chair orders the Committee Substitute bill re–referred to the **Appropriations Committee**.

## REPORTS OF COMMITTEE

Bills are reported from a select committee out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Select Committee on Juveniles/Prevention:**

**S.B. 129**, a bill to effect long–term crime prevention by providing certain incentives to families receiving Aid to Families with Dependent Children to act responsibly in raising their children, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 7818, which changes the title to read **S.B. 129** (Committee Substitute), a bill to authorize a study to determine whether long–term crime prevention can be effected by providing certain incentives to families receiving Aid to Families with Dependent Children to act responsibly in raising their children, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 138**, a bill to establish a program to provide school and family assistance to students who are not achieving at their full potential due to educational neglect, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 1747, which changes the title to read **S.B. 138** (Committee Substitute), a bill to authorize a study on whether to establish a program to provide school and family assistance to students who are not achieving at their full potential due to educational neglect, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Rules and Operation of the Senate Committee**.

**S.B. 149**, a bill to provide a tuition incentive for North Carolina students enrolled in in–State and out–of–State institutions of higher education and proprietary schools and to appropriate funds, in order to effect long–term crime prevention by aiding people to be properly trained and gainfully employed, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 7819, which changes the title to read **S.B. 149** (Committee Substitute), a bill to authorize the Joint Legislative Education Oversight Committee to study providing a tuition incentive for North Carolina students enrolled in in–State and out–of–State institutions of higher education and proprietary schools in order to effect long–term crime prevention by aiding people to be properly trained and gainfully employed, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**S.B. 168**, a bill to impose a criminal penalty upon a parent or guardian who repeatedly fails to adequately supervise the parent's child or the guardian's ward under eighteen years of age by allowing the child to engage in certain potentially harmful activities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 1746, which changes the title to read **S.B. 168** (Committee Substitute), a bill to study whether to impose a criminal penalty upon a parent or guardian who repeatedly fails to adequately supervise the parent's child or the guardian's ward under eighteen years of age by allowing the child to engage in certain potentially harmful activities, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

## RECALL FROM COMMITTEE

**S.B. 102**, a bill to direct the Department of Correction to develop plans for a pilot program for the operation of a prison work camp by a county or coalition of counties, referred to the **Rules and Operation of the Senate Committee** on February 23.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee.**

**S.B. 113** (Committee Substitute), a bill to increase the penalties for making false bomb reports and for using a false bomb to create a scare, reported from the **Select Committee on Courts**, adopted, and referred to the **Rules and Operation of the Senate Committee** earlier today.

Pursuant to Rule 47(b), Senator Sands offers a motion that the Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee.**

**S.B. 138** (Committee Substitute), a bill to authorize a study on whether to establish a program to provide school and family assistance to students who are not achieving at their full potential due to educational neglect, reported from the **Select Committee on Juveniles/Prevention**, adopted, and referred to the **Rules and Operation of the Senate Committee** earlier today.

Pursuant to Rule 47(b), Senator Sands offers a motion that the Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Appropriations Committee**.

**S.B. 123**, a bill to provide for the forfeiture or restriction of certain citizenship privileges of an individual convicted of a felony, referred to the **Finance Committee** earlier today.

Pursuant to Rule 47(b), Senator Winner of Buncombe offers a motion that the bill be recalled from the **Finance Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Finance Committee** and re–referred to the **Appropriations Committee**.

## RECONSIDERATION

**S.B. 44** (Committee Substitute), a bill permitting the use of deadly force against an intruder under certain circumstances, ordered placed on the Calendar for Friday, February 25, for receipt of a fiscal note, earlier today.

Senator Daniel offers a motion that the vote by which the motion to place the Committee Substitute bill on the Calendar for tomorrow, Friday, February 25, prevailed, be reconsidered, which motion prevails, and the question becomes the passage of the Committee Substitute bill upon second reading.

The Chair announces a fiscal note attached to the jacket of the bill.

The Committee Substitute bill remains before the Senate for further consideration upon second reading.

Senator Kincaid offers Amendment No. 1 which is adopted (40–0).

The Committee Substitute bill, as amended, passes its second (34–6) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

On motion of Senator Basnight, seconded by Senator Warren, the Senate adjourns at 10:13 A.M. to meet tomorrow, Friday, February 25, at 8:30 A.M.

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# TWELFTH DAY

SENATE CHAMBER,
Friday, February 25, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"O God, as we seek to do Your Will in the matters of this day, do not let Your Words to us, which come in response to our prayers, become a judgment upon us: that we hear Your Word, and do not do it; that we know Your Word, and do not love it; that we believe Your Word, and do not obey it. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Thursday, February 24, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Hartsell, who is attending a long–scheduled court hearing; to Senator Forrester, who is covering his medical practice; to Senator Conder, who is attending the Council of State Governments annual committee meeting which he chairs; to Senator Ballance, who is attending a Roundball, Inc., meeting; and to Senator Soles, Senator Ward, Senator Smith, Senator Sands, Senator Martin of Pitt, and Senator Folger.

## REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

**S.B. 47**, a bill to authorize the issuance of two hundred million dollars general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for State prison and youth services facilities, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re–referred to the **Appropriations Committee.**

Bills are reported from select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Guilford for the **Select Committee on Juveniles/Prevention:**

**S.B. 89**, a bill to require that the parent, guardian, or next–of–kin of a minor who is charged by a law enforcement officer shall be notified immediately of the charge by the law enforcement officer making the charge, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the proposed Committee Substitute bill 1748 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

Bills are reported from a standing committee out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

**S.B. 46** (Committee Substitute), a bill to amend the habitual felon law by redefining habitual felon and providing that the court may impose an enhanced sentence on a defendant who is an habitual felon, as rewritten by the **Select Committee on Corrections/Punishment**, with a favorable report.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill is placed on the Calendar for today, Friday, February 25, in its regular order of business, for consideration upon its passage.

**S.B. 3** (Committee Substitute), a bill to increase the punishment under structured sentencing for first degree rape and first degree sexual offense, including life without parole for prior record Levels IV, V, and VI, as rewritten by the **Select Committee on Corrections/Punishment**, with a favorable report, as amended.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill is placed on the Calendar for today, Friday, February 25, in its regular order of business, for consideration upon its passage.

**S.B. 5**, a bill to provide life without parole for a third violent felony conviction, with a favorable report, as amended.

On motion of Senator Daniel, the rules are suspended, and the bill is placed on the Calendar for today, Friday, February 25, in its regular order of business, for consideration upon its passage.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**H.B. 6** (Committee Substitute), a bill to repeal the provisions in the Structured Sentencing Act that restricted the definition of habitual felon and lowered the punishment for an habitual felon from Class C to Class D.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee.**

## WITHDRAWAL FROM CALENDAR

**S.B. 39**, a bill to require the Department of Correction to develop a plan for providing inmates with literacy and job training skills prior to release from prison, as amended, on the Calendar for Tuesday, March 1.

Senator Jordan offers a motion that the bill, as amended, be taken from the Calendar for Tuesday, March 1, and placed on the Calendar for today, Friday, February 25, in its regular order of business, for consideration upon its passage, which motions prevail with unanimous consent.

The Chair orders the bill, as amended, taken from the Calendar for Tuesday, March 1, and placed on the Calendar for today, Friday, February 25, in its regular order of business, for consideration upon its passage.

## RECALL FROM COMMITTEE

**S.B. 100**, a bill to make it a felony to assault a law enforcement officer, a fireman, or an emergency medical service technician, referred to the **Select Committee on Corrections/Punishment** on February 15.

Pursuant to Rule 47(b), Senator Odom offers a motion that the bill be recalled from the **Select Committee on Corrections/Punishment** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Select Committee on Corrections/ Punishment** and re–referred to the **Appropriations Committee**.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
February 24, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that in compliance with the provisions of G.S. 126–2(c) the House of Representatives has confirmed the appointment of Maria F. Spaulding to the State Personnel Commission.

Respectfully,
S/Denise Weeks
*Principal Clerk*

Without objection, on motion of Senator Basnight, the Senate recesses at 8:54 A.M. to reconvene at 12:00 Noon.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Edwards and Senator Plexico.

## CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

**S.B. 3** (Committee Substitute), a bill to increase the punishment under structured sentencing for first degree rape and first degree sexual offense, including life without parole for prior record Levels IV, V, and VI, placed on the Calendar earlier today in its regular order of business.

On motion of Senator Daniel, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading (33–1).

Senator Simpson objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Monday, February 28, for further consideration, upon third reading.

**S.B. 5**, a bill to provide life without parole for a third violent felony conviction, placed on the Calendar earlier today in its regular order of business.

On motion of Senator Daniel, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (31–4) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

**S.B. 39**, a bill to require the Department of Correction to develop a plan for providing inmates with literacy and job training skills prior to release from prison, as amended, placed on the Calendar earlier today in its regular order of business.

The bill, as amended, passes its second (33–1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

**S.B. 46** (Committee Substitute), a bill to amend the habitual felon law by redefining habitual felon and providing that the court may impose an enhanced sentence on a defendant who is an habitual felon, placed on the Calendar earlier today in its regular order of business.

Without objection, on motion of Senator Daniel, the Committee Substitute bill is placed at the end of today's Calendar.

**S.B. 88**, a bill to prohibit the teaching or discussion in any class of any information related to sexual practices that are not lawful in North Carolina.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (33–1).

On motion of Senator Perdue, the bill, as amended, is recommitted to the **Select Committee on Juveniles/Prevention** (22–12).

**H.B. 57**, a bill to authorize, under certain conditions, magistrates to issue domestic violence restraining orders and to make conforming changes to the General Statutes.

Senator Kerr offers Amendment No. 1 which is adopted (34–0).

The bill, as amended, passes its second (33–2) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

**S.B. 46** (Committee Substitute), a bill to amend the habitual felon law by redefining habitual felon and providing that the court may impose an enhanced sentence on a defendant who is an habitual felon, temporarily displaced earlier.

On motion of Senator Daniel, the Committee Substitute bill is recommitted to the **Appropriations Committee** for a corrected report.

## REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

**S.B. 167** (Committee Substitute), a bill to provide that an enhanced sentence shall be imposed on a person convicted of a felony if the person was armed with or used a firearm during the commission of the felony, as rewritten by the **Select Committee on Corrections/Punishment**, with a favorable report.

**S.B. 46** (Committee Substitute), a bill to amend the habitual felon law by redefining habitual felon and providing that the court may impose an enhanced sentence on a defendant who is an habitual felon, with an unfavorable report as to **Select Committee on Corrections/Punishment** Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Daniel, the rules are suspended, and the S46ES–proposed Committee Substitute bill RN2, which changes the title to read **S.B. 46** (Committee Substitute No. 2), a bill to amend and recodify the habitual felon law under the Structured Sentencing Act, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, Committee Substitute bill No. 2 is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for Monday, February 28, for further consideration upon its passage.

On motion of Senator Basnight, seconded by Senator Albertson, the Senate adjourns at 1:22 P.M. to meet Monday, February 28, at 8:00 P.M.

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## THIRTEENTH DAY

SENATE CHAMBER,
Monday, February 28, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Most Gracious God, facing the activities and the opportunities of another week, may we be eager and not reluctant.

"Give us the grace to tolerate each other's differences as we express our own ideas and listen to the ideas of those who differ with us, encourage us also to seek humbly, Your Ideas.

"Then, guided by Your Spirit, we shall offer the very best of ourselves in deliberation of the important decisions to be made. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Friday, February 25, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Cooper, who is taking depositions, to Senator Martin of Pitt, and to Senator Winner of Mecklenburg.

### CALENDAR

**S.J.R. 68**, a joint resolution urging the government of the State of North Carolina to take a leadership role in hiring qualified persons who have completed prison sentences or who are on parole.

With unanimous consent, on motion of Senator Sands, the joint resolution is taken up out of its regular order of business.

On motion of Senator Sands, the joint resolution is recommitted to the **Rules and Operation of the Senate Committee**.

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**H.B. 53**, a bill to provide that a defendant, after a finding of probable cause or indictment for committing indecent liberties with a child fifteen years old or younger which involves a sex offense, shall be tested for certain sexually transmitted infections upon the request of the victim and to add herpes to the list of sexually transmitted infections.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

**H.B. 55** (Committee Substitute), a bill to make technical amendments and conforming changes to the General Statutes and Session Laws relating to structured sentencing, misdemeanors, and felonies, and to provide for the earlier implementation of structured sentencing.

Referred to the **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee**.

**H.B. 74** (Committee Substitute), a bill to add to the condition that a probationer pursue a course of study or training by requiring the probationer to abide by the rules of the institution providing the education or training.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

## REPORT TO GENERAL ASSEMBLY

The following agency directed to report to the General Assembly submits a report (*see Addendum*) which is ordered placed on file in the Legislative Library, as follows:

The North Carolina Department of Revenue submits its Revenue Comparative Statement of Net Collections for the months of January 1994 and 1993.

## CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

**S.B. 46** (Committee Substitute No. 2), a bill to amend and recodify the habitual felon law under the Structured Sentencing Act.

Senator Winner of Buncombe offers Amendment No. 1 which is adopted (42–0).

On motion of Senator Winner of Buncombe, the Committee Substitute bill No. 2, as amended, is placed on the Calendar for tomorrow, March 1, for receipt of a fiscal note.

**S.B. 167** (Committee Substitute), a bill to provide that an enhanced sentence shall be imposed on a person convicted of a felony if the person was armed with or used a firearm during the commission of the felony.

On motion of Senator Plyler, the Committee Substitute bill is recommitted to the **Appropriations Committee**.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**S.B. 84**, an act to provide for dismissal with leave pursuant to a deferred prosecution agreement and the reinstitution of proceedings against a defendant that fails to comply with the terms of the agreement. (Ch. 2)

**H.B. 30** (Senate Committee Substitute), an act to require the Crime Victims Compensation Commission and its Director to deny a claim of a person who was participating in a felony or a nontraffic misdemeanor at or about the time the person's injury occurred. (Ch. 3)

## CALENDAR (Continued)

**S.B. 3** (Committee Substitute), a bill to increase the punishment under structured sentencing for first degree rape and first degree sexual offense, including life without parole for prior record Levels IV, V, and VI, as amended, upon third reading.

Senator Marshall offers Amendment No. 2 which is adopted (44–0).

Senator Winner of Buncombe offers Amendment No. 3, amending Amendment No. 1, which is adopted (43–0).

Senator Gulley offers Amendment No. 4, which proposes to change the title to read **S.B. 3** (Committee Substitute), a bill to increase the punishment under structured sentencing for first degree rape and first degree sexual offense, which fails of adoption (8–37).

The Committee Substitute bill, as amended, passes its third reading (42–3) and is ordered engrossed and sent to the House of Representatives by special messenger.

The President recognizes the following pages serving in the Senate this week: Derrick D. Connor, Greensboro; Malicia Green, Belhaven; Troy Anthony Howard, Greensboro; Garrett Klas, Washington; Jeremy Tyler Lingenfelser, Selma; Joshua Peter Lingenfelser, Selma; Natalie Rae Lingenfelser, Selma; Corrie Elizabeth Mimms, Raleigh; Tamika L. Mims, Fayetteville; Cameron Morris, Bath; Carmen Paige Pearce, Raleigh; Joseph P. Thompson, Burlington; Stella Wingfield, Apex; and Kirk Wynne, Washington.

On motion of Senator Basnight, seconded by Senator Albertson, the Senate adjourns at 8:55 P.M. to meet tomorrow, Tuesday, March 1, at 1:30 P.M.

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## FOURTEENTH DAY

SENATE CHAMBER,
Tuesday, March 1, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with quotes from *Whistling in the Dark* by Frederick Buechner, as follows:

"Eternal God, Judge of all Humanity, sometimes the issuance of justice is just as plain as day, 'If we break a good law, justice must be invoked for goodness' sake and we pay a price for what we've done.'

"But when we break Your Eternal Law, O God, 'Justice must be invoked for the good of our own souls. In such a case, the painful knowledge that we deserve to pay a price is often payment enough.'

"In confession and with humility, we seek justice before You today. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, February 28, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

### CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

**S.B. 46** (Committee Substitute No. 2), a bill to amend and recodify the habitual felon law under the Structured Sentencing Act, as amended.

The Chair receives and announces the fiscal note attached to the jacket of the Committee Substitute bill No. 2.

Senator Winner of Buncombe offers Amendment No. 2 which is adopted (47–0).

The Committee Substitute bill No. 2, as amended, passes its second (47–2) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

On motion of Senator Basnight, seconded by Senator Smith, the Senate adjourns at 2:11 P.M. to meet tomorrow, Wednesday, March 2, at 1:30 P.M.

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# FIFTEENTH DAY

SENATE CHAMBER,
Wednesday, March 2, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Let us observe a few moments of silent prayer in memory of friend and colleague, Senator John Codington, whose sudden and untimely death leaves us in shock and sadness.

**Silence**

"O Lord of life and death, we acknowledge the reality of death. Although it separates friends and loved ones, make us aware that it is only for a season.

"Although death brings grief, we look to Your Spirit to bring comfort and peace to Elizabeth Codington, the family, and to all of us who mourn.

"Although death brings disappointment, give us faith to look to the future with hope, confidence, and courage, as did John Codington. Comfort and encourage Thy people, O Lord, Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, March 1, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Senator Basnight rises to eulogize Senator John B. Codington, representing the 4th Senatorial District, who died yesterday, March 1, while attending to legislative responsibilities.

With unanimous consent, on motion of Senator Plexico, the remarks by Senator Basnight in memory of Senator John B. Codington, are spread upon the Journal, as follows:

"Thank you, Mr. President, Members of this Body. I speak to you today to pay tribute to John. And I do that, as we know, he being a friend of ours, and we all realize that the Senate has, indeed, suffered a terrible loss, as has the family, and this State.

"John came to the Senate last year, and he was—by all of us; we were impressed with his knowledge, his dedication, his integrity, and his willingness to do those things that were in the best interest of the people of this great State of ours. He was conscientious about representing the views of the people of the 4th Senatorial District, and he made certain to be true to his own convictions. He was a person that we all greatly respected. We enjoyed working with Senator Codington, and I am truly sorry that his time in the Senate was so brief, as I know we all feel likewise.

"He wasn't here, as we all realize, for himself or for any personal ambition. He had already succeeded in life in many different areas, professionally and personally. He was here to make North Carolina a better place for all her citizens. John Codington brought honor, he brought dignity to all of us, and especially to our place in this Senate. He will sorely be missed by all North Carolinians, in the work that he did on behalf of those people."

## ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

**H.B. 57**, an act to authorize, under certain conditions, magistrates to issue domestic violence restraining orders and to make conforming changes to the General Statutes. (Ch. 4)

## REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

**S.B. 132** (Committee Substitute), a bill to restore the law to its state prior to 1971, so that a person does not have citizenship restored by completion of sentence, probation, or parole, but instead must wait two years after discharge and prove to the Superior Court good character, with an unfavorable report as to the **Select Committee on Courts** Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill No. 2, 1750, which changes the title to read **S.B. 132** (Committee Substitute No. 2), a bill to provide that a person convicted of a felony does not have citizenship automatically restored upon pardon or upon completion of sentence, probation, or parole, but instead must wait one or two years and prove good character to a court, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill No. 2 is adopted.

On motion of Senator Winner of Buncombe, the Committee Substitute bill No. 2 is placed on the Calendar for today, Wednesday, March 2, in its regular order of business, upon its passage.

## CALENDAR

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

The bill on the Calendar is taken up and disposed of, as follows:

**S.B. 132** (Committee Substitute No. 2), a bill to provide that a person convicted of a felony does not have citizenship automatically restored upon pardon or upon completion of sentence, probation, or parole, but instead must wait one or two years and prove good character to a court, reported from the **Finance Committee**, adopted, and placed earlier today on the Calendar for today in its regular order of business upon its passage.

Senator Sands offers a motion that the Committee Substitute bill No. 2 be re–referred to the **Appropriations Committee**, which motion he subsequently withdraws.

After further debate, Senator Odom offers a motion the Committee Substitute bill No. 2 be re–referred to the **Select Committee on Corrections/Punishment**, which motion prevails (27–20).

The Chair orders the measure re–referred to the **Select Committee on Corrections/ Punishment.**

## REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

**S.B. 89** (Committee Substitute), a bill to require that the parent, guardian, or next–of–kin of a minor who is charged by a law enforcement officer shall be notified immediately of the charge by the law enforcement officer making the charge, with a favorable report.

**S.B. 124**, a bill to provide for the use of laser speed enforcement in North Carolina, with a favorable report.

**S.B. 8** (Committee Substitute), a bill to prohibit the possession of firearms and weapons of mass death and destruction by felons, with an unfavorable report as to the **Select Committee on Corrections/Punishment** Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Daniel, the rules are suspended, and the proposed Committee Substitute bill No. 2, 4720 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, March 3, for further consideration upon its passage.

**S.B. 123** (Committee Substitute), a bill to provide for the forfeiture or restriction of certain citizenship privileges of an individual convicted of a crime, with an unfavorable report as to the **Select Committee on Courts** Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Daniel, the rules are suspended, and the proposed Committee Substitute bill No. 2, 9795, which changes the title to read **S.B. 123** (Committee Substitute No. 2), a bill to provide for the forfeiture or restriction of certain citizenship privileges of an individual convicted of a felony, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill No. 2 is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, March 3, for further consideration upon its passage.

**S.B. 150**, a bill to appropriate funds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the proposed Committee Substitute bill 5767, which changes the title to read **S.B. 150** (Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act, is placed before the Senate for immediate consideration. (*See Appendix for Table of Contents*)

On motion of Senator Daniel, the Committee Substitute bill is adopted.

On motion of Senator Daniel, the Committee Substitute bill is placed on the Calendar for today, Wednesday, March 2, in its regular order of business upon its passage.

**S.B. 167** (Committee Substitute), a bill to provide that an enhanced sentence shall be imposed on a person convicted of a felony if the person was armed with or used a firearm during the commission of the felony, with an unfavorable report as to the **Select Committee on Corrections/Punishment** Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Daniel, the rules are suspended, and the proposed Committee Substitute bill No. 2, 2765 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, March 3, for further consideration upon its passage.

A select committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Select Committee on Juveniles/Prevention:**

**H.B. 27** (Committee Substitute), a bill to provide that a court may order that juvenile records of juveniles adjudicated or convicted of Class A – E felonies may be used at a subsequent criminal trial either in the guilt phase or to prove an aggravating factor at sentencing, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

**S.B. 28**, a bill to transfer jurisdiction of certain juveniles to Superior Court, provide for a probable cause hearing, and retain records, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 9796 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**H.B. 29** (Committee Substitute), a bill to provide for commitment of juveniles adjudicated delinquent for certain felony offenses to age eighteen, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Perdue, the proposed Senate Committee Substitute bill 7386 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Appropriations Committee**.

The Chair declares the Senate in recess at 2:38 P.M. to reconvene at 3:30 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## CALENDAR (Continued)

**S.B. 150** (Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act, earlier today reported from Committee, adopted, and placed on the Calendar for further consideration upon its passage.

Senator Plyler offers Amendment No. 1 which is adopted (45–0).

Senator Kincaid offers Amendment No. 2 which fails of adoption (10–37).

Senator Richardson offers Amendment No. 3 which is adopted (46–0).

Senator Blackmon offers Amendment No. 4 which fails of adoption (10–35).

The Committee Substitute bill, as amended, passes its second (47–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

## REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

**S.B. 1** (Committee Substitute), a bill to make technical amendments and conforming changes to the General Statutes and Session Laws relating to structured sentencing, misdemeanors, and felonies, with a favorable report.

**S.B. 28** (Committee Substitute), a bill to transfer jurisdiction of certain juveniles to Superior Court, provide for a probable cause hearing, and retain records, Committee Substitute bill reported earlier today from the **Select Committee on Juveniles/Prevention**, adopted, and re–referred to **Appropriations Committee**, with a favorable report.

**H.B. 27** (Committee Substitute), a bill to provide that a court may order that juvenile records of juveniles adjudicated or convicted of Class A – E felonies may be used at a subsequent criminal trial either in the guilt phase or to prove an aggravating factor at sentencing, with a favorable report.

**H.B. 29** (Senate Committee Substitute), a bill to provide for commitment of juveniles adjudicated delinquent for certain felony offenses to age eighteen, Senate Committee Substitute bill reported earlier today from the **Select Committee on Juveniles/Prevention**, adopted, and re–referred to **Appropriations Committee**, with a favorable report.

On motion of Senator Basnight, seconded by the Republican Delegation, the Senate adjourns at 5:06 P.M. in memory of John B. Codington, the late Senator from New Hanover County, to meet tomorrow, Thursday, March 3, at 11:00 A.M.

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## SIXTEENTH DAY

SENATE CHAMBER,
Thursday, March 3, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with a quote from Luke 4:18–19, as follows:

"Too often, Dear God, we are reactionary rather than participatory in our relationship with You!

"Teach us that it will not be presumptuous but empowering to say in the first person,

> The Spirit of the Lord is upon us, because God has chosen us to bring good news to the poor. God has sent us to proclaim liberty to the captives, for the recovery of sight to the blind and to set free the oppressed...

"If we just believe that message, O God, we shall surely accomplish the tasks before us today! Amen."

Senator Sands, for the **Rules and Operation of the Senate Committee**, announces the Journal of yesterday, Wednesday, March 2, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Sherron, who is attending a previously scheduled meeting.

### ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

**H.B. 34** (Senate Committee Substitute), an act to allow evidence of a lack of seat belt use to be admitted in a criminal or civil proceeding to establish a justification for the stop of a vehicle, the same as in all other motor vehicle law violations. (Ch. 5)

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**H.B. 8** (Committee Substitute No. 2), a bill to prohibit the possession of firearms and weapons of mass death and destruction by felons.

With unanimous consent, on motion of Senator Sands, the Committee Substitute bill No. 2 is referred to the **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

## CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

**S.B. 8** (Committee Substitute No. 2), a bill to prohibit the possession of firearms and weapons of mass death and destruction by felons.

With unanimous consent, on motion of Senator Odom, the Committee Substitute bill No. 2 is taken up out of its regular order of business.

On motion of Senator Odom, consideration of the Committee Substitute bill No. 2 is postponed until Monday, March 7.

**S.B. 1** (Committee Substitute), a bill to make technical amendments and conforming changes to the General Statutes and Session Laws relating to structured sentencing, misdemeanors, and felonies.

On motion of Senator Parnell, the Committee Substitute bill is recommitted to the **Select Committee on Courts**.

**S.B. 28** (Committee Substitute), a bill to transfer jurisdiction of certain juveniles to Superior Court, provide for a probable cause hearing, and retain records.

The Committee Substitute bill passes its second (35–11) and third readings and is ordered sent to the House of Representatives by special messenger.

**S.B. 89** (Committee Substitute), a bill to require that the parent, guardian, or next–of–kin of a minor who is charged by a law enforcement officer shall be notified immediately of the charge by the law enforcement officer making the charge.

The Committee Substitute bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives by special messenger.

**S.B. 123** (Committee Substitute No. 2), a bill to provide for the forfeiture or restriction of certain citizenship privileges of an individual convicted of a felony.

Senator Plyler, Chairman of the **Appropriations Committee**, requests a fiscal note on the Committee Substitute bill No. 2.

The Chair orders the measure temporarily displaced.

**S.B. 124**, a bill to provide for the use of laser speed enforcement in North Carolina.

Senator Cooper offers Amendment No. 1 which is adopted (43–0).

The bill, as amended, passes its second (44–1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

**S.B. 167** (Committee Substitute No. 2), a bill to provide that an enhanced sentence shall be imposed on a person convicted of a felony if the person was armed with or used a firearm during the commission of the felony.

Senator Winner of Mecklenburg offers Amendment No. 1 which is adopted (41–4).

The Committee Substitute bill No. 2, as amended, passes its second (45–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

**H.B. 27** (Committee Substitute), a bill to provide that a court may order that juvenile records of juveniles adjudicated or convicted of Class A – E felonies may be used at a subsequent criminal trial either in the guilt phase or to prove an aggravating factor at sentencing.

Senator Johnson offers Amendment No. 1 which is adopted (45–0).

Senator Sands offers Amendment No. 2, proposing to change the title, upon concurrence, to read **H.B. 27** (Committee Substitute), a bill to provide that a court may order that juvenile records of juveniles adjudicated or convicted of Class A – E felonies may be used at a subsequent criminal trial either in the guilt phase or to prove an aggravating factor at sentencing and to allow nontestimonial identification and publication of photographs of juveniles who have committed offenses that would be certain felonies if committed by adults, which he subsequently withdraws.

The Committee Substitute bill, as amended, passes its second (43–3) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

## REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

**S.B. 4** (Committee Substitute), a bill to revise the effective date of structured sentencing for certain violent offenses, as rewritten by the **Select Committee on Corrections/Punishment**, with a favorable report, as amended.

On motion of Senator Plyler, the Committee Substitute bill is placed on the Calendar for Tuesday, March 8, for consideration upon its passage.

## CALENDAR (Continued)

**S.B. 123** (Committee Substitute No. 2), a bill to provide for the forfeiture or restriction of certain citizenship privileges of an individual convicted of a felony, temporarily displaced earlier.

On motion of Senator Sands, consideration of the Committee Substitute bill No. 2 is postponed until Tuesday, March 8, for receipt of the fiscal note requested earlier today.

## REPORTS OF COMMITTEE

A select committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Select Committee on Corrections/Punishment:**

**H.B. 53**, a bill to provide that a defendant, after a finding of probable cause or indictment for committing indecent liberties with a child fifteen years old or younger which involves a sex offense, shall be tested for certain sexually transmitted infections upon the request of the victim and to add herpes to the list of sexually transmitted infections, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**H.B. 74** (Committee Substitute), a bill to add to the condition that a probationer pursue a course of study or training by requiring the probationer to abide by the rules of the institution providing the education or training, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

## CALENDAR (Continued)

**H.B. 29** (Senate Committee Substitute), a bill to provide for commitment of juveniles adjudicated delinquent for certain felony offenses to age eighteen.

Senator Gulley offers Amendment No. 1 which is adopted (44–0).

The Senate Committee Substitute bill, as amended, passes its second reading (43–1).

Senator Sands objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Tuesday, March 8, for further consideration, upon third reading.

The Chair declares the Senate in recess at 12:25 P.M. to reconvene at 12:35 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## REPORT OF COMMITTEE

A select committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Odom for the **Select Committee on Corrections/Punishment**:

**H.B. 8** (Committee Substitute No. 2), a bill to prohibit the possession of firearms and weapons of mass death and destruction by felons, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Odom, the proposed Senate Committee Substitute bill 2315 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Appropriations Committee**.

## RECALL FROM COMMITTEE

**H.B. 8** (Senate Committee Substitute), a bill to prohibit the possession of firearms and weapons of mass death and destruction by felons, reported from the **Select Committee on Corrections/Punishment**, adopted, and re–referred to the **Appropriations Committee** earlier today.

Pursuant to Rule 47(b), Senator Daniel offers a motion that the Senate Committee Substitute bill be recalled from the **Appropriations Committee** and placed before the Senate for immediate consideration, upon its passage, which motion prevails.

The Chair orders the Senate Committee Substitute bill taken from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage.

The Senate Committee Substitute bill passes its second reading (35–0).

Senator Winner of Buncombe objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Tuesday, March 8, for further consideration, upon third reading.

On motion of Senator Basnight, seconded by Senator Parnell, the Senate adjourns at 1:10 P.M. to meet Monday, March 7, at 8:00 P.M.

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## SEVENTEENTH DAY

SENATE CHAMBER,
Monday, March 7, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with a quote from Micah 6:8, as follows:

"O Lord, our worth is revealed in our attitude toward the small tasks for which we have been given responsibility.

"So let the test of our spiritual life and character, this week, be measured not by what we do in the exceptional moments but by what we do in the ordinary ones.

"Then we may say at week's end, 'we have done justice, loved mercy, and walked humbly with You, O God.' Amen."

Senator Conder, for the **Rules and Operation of the Senate Committee**, announces the Journal of Thursday, March 3, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Daniel, who is attending the service for Representative Gist.

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**S.B. 150** (Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 150** (House Committee Substitute), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994.

Recommitted to **Appropriations Committee.**

**H.B. 171** (Committee Substitute), a bill to require notification of parole hearings and the decision reached at those hearings to newspapers in the county where the prisoner being considered for parole was convicted.

Referred to the **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

With a bill remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Johnson, the Senate adjourns at 8:17 P.M. in memory of Representative Herman Gist, to meet tomorrow, Tuesday, March 8, at 11:00 A.M.

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## EIGHTEENTH DAY

SENATE CHAMBER,
Tuesday, March 8, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, quoting a prayer offered by the Reverend Peter Marshall, as follows:

"Our Gracious God, in the very important decisions to be made this week,

Deliver us from futile hopes or from clinging to lost causes, that we may move ahead to ever–growing calm and ever widening horizons.

Where we cannot convince, let us be willing to persuade, for small deeds done are better than great deeds planned.

We know that we cannot do everything. But help us to do something.

For Your Sake, O Lord, we pray.

"Amen."

Senator Conder, for the **Rules and Operation of the Senate Committee**, announces the Journal of yesterday, Monday, March 7, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Martin of Guilford and Senator Lucas, who are attending the funeral of the late Representative Herman Gist; to Senator Cochrane, who is sick with the flu; and to Senator Walker.

Senator Folger and Senator Sands submit the required notification to relinquish salary and *per diem* for Monday, March 7, due to absence without excuse.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**H.B. 145** (Committee Substitute), a bill to require that the parent, guardian, or next of kin of a minor who is charged or taken into custody by a law enforcement officer shall be notified without unnecessary delay and to amend the law regarding the concealment of merchandise in mercantile establishments.

Referred to the **Select Committee on Courts** and upon a favorable report, re–referred to the **Appropriations Committee**.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**S.B. 176** (Committee Substitute), an act to allow a district court judgeship to be activated in District Court District 10, because approval under Section 5 of the Voting

Rights Act is not required in that District, and in District 30 where approval has been obtained, and to deal with the case of further partial preclearance. (Ch. 6)

**H.B. 27** (Committee Substitute), an act to provide that a court may order that juvenile records of juveniles adjudicated or convicted of Class A – E felonies may be used at a subsequent criminal trial either in the guilt phase or to prove an aggravating factor at sentencing. (Ch. 7)

## CALENDAR

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

A bill on the Calendar carried forward as unfinished business from yesterday, Monday, March 7, is taken up and disposed of, as follows:

**S.B. 8** (Committee Substitute No. 2), a bill to prohibit the possession of firearms and weapons of mass death and destruction by felons.

On motion of Senator Odom, the Committee Substitute bill No. 2 is recommitted to the **Select Committee on Corrections/Punishment.**

## REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

**S.B. 150** (House Committee Substitute), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, with an unfavorable report as to concurrence.

On motion of Senator Daniel, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Senate fails to concur in the House Committee Substitute bill (0–39).

Senator Daniel offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Daniel (Chairman), Ballance, Cochrane, Cooper, Martin of Guilford, Odom, Perdue, Plyler, Shaw, and Soles as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

With unanimous consent on motion of Senator Sands, the remarks by Senator Basnight in memory of the late Representative Herman C. Gist of Guilford County are spread upon the Journal, as follows:

"Thank you, Mr. President. We've all, as we well know, lost a very good friend, a person that we cared a great deal about. Of my nine years of being here, I believe Representative Gist represented the very strength of what a person should be when he worked for his district. He had the uncanny ability to offer arguments for his position that few of us carried. He was willing to challenge the most powerful of the membership through the years that I represented my Senatorial District, in his arguments for his people, and his people were the small people. His people were the depressed people of this State that he more directly represented, and he fought for those people's rights. He fought

for opportunity that was equal to what others were receiving and had as a person in this State. He was one of those who believed that the least fortunate among us should have opportunity. I believe his honesty and commitment to this State is a tribute that we all should follow the lead that he carried. He was an unusual person in that he didn't mind stopping you when you were in a lurch yourself or you had some place to be, for it's important that you start a committee meeting at a certain time. Herman didn't recognize those pressures that you yourself may carry. He recognized that he had a problem at that time and he was going to confront that problem with you, and we were going to resolve it right there, man–to–man, toe–to–toe. He was a person that I directly, greatly respected and a person that I will miss, as all of us will in this State. Herman Gist was one of those North Carolinians that you hate to lose, but I was happy to know him while he was here. So, for all of us today, we can say a thank you for Herman's family allowing him to serve this great State for the period of time that he did."

**CALENDAR** (Continued)

A bill on today's Calendar is taken up and disposed of, as follows:

**S.B. 123** (Committee Substitute No. 2), a bill to provide for the forfeiture or restriction of certain citizenship privileges of an individual convicted of a felony.

On motion of Senator Cooper, the Committee Substitute bill No. 2 is recommitted to the **Select Committee on Courts**.

With a bill remaining on the Calendar, on motion of Senator Basnight, seconded by the Guilford Delegation, the Senate adjourns at 11:24 P.M. to meet tomorrow, Wednesday, March 9, at 1:30 P.M.

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## NINETEENTH DAY

SENATE CHAMBER,
Wednesday, March 9, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our Gracious God, often times our most difficult struggles, our most hard fought battles, our most articulate debates in this life are not with adversaries, but with You.

"Instead, O Lord, grant that we may be one with You in choosing right and in rejecting wrong, that we may be unable to choose or reject except as You would do. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, March 8, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Winner of Mecklenburg, due to medical reasons; to Senator Sands, to Senator Cochrane, and to Senator Ballance.

The President recognizes the following pages serving in the Senate this week: Presha Lea Allen, Apex; Scott Carpenter, Washington; Daniel L. Dickerson, Graham; Mandy Edmonds, Mebane; Phillip Ballard Kennedy, Burlington; Joey Lane, Graham; Jason Massey, Burlington; Danny Ouzts, Burlington; Caroline Roberson, Burlington; Jennifer Sinclair, Burlington; and Ray Sullivan, Washington.

## REPORT OF COMMITTEE

A bill is reported from a select committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Soles for the **Select Committee on Courts:**

**H.B. 55** (Committee Substitute), a bill to make technical amendments and conforming changes to the General Statutes and Session Laws relating to structured sentencing, misdemeanors, and felonies, and to provide for the earlier implementation of structured sentencing, with an unfavorable report as to Committee Substitute bill, but favorable to Senate Committee Substitute bill.

On motion of Senator Soles, the proposed Senate Committee Substitute bill 7389, which changes the title, upon concurrence, to read **H.B. 55** (Senate Committee Substitute), a bill to make technical amendments and conforming changes to the General Statutes and Session Laws relating to structured sentencing, misdemeanors, and felonies, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Appropriations Committee**.

## RECALL FROM COMMITTEE

**H.B. 11** (Senate Committee Substitute), a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity or a person determined to be incapable to proceed from possessing a firearm or a weapon of death and mass destruction, as written by the **Select Committee on Corrections/Punishment** and referred to the **Rules and Operation of the Senate Committee** on February 17.

Pursuant to Rule 47(b), Senator Conder, Co–Chairman of the **Rules and Operation of the Senate Committee**, offers a motion that the rules be suspended and the Senate Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Thursday, March 10, upon its passage, which motions prevail with unanimous consent.

The Chair orders the Senate Committee Substitute bill taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Thursday, March 10, upon its passage.

**S.B. 151**, a bill to appropriate funds, referred to the **Appropriations Committee** on February 15.

Pursuant to Rule 47(b), Senator Daniel offers a motion that the bill be recalled from the **Appropriations Committee** and re–referred to the **Finance Committee**, which motions prevail.

The Chair orders the bill taken from the **Appropriations Committee** and re–referred to the **Finance Committee**.

## CALENDAR

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

Bills on the Calendar carried forward as unfinished business from yesterday, Tuesday, March 8, are taken up and disposed of, as follows:

**S.B. 4** (Committee Substitute), a bill to revise the effective date of structured sentencing for certain violent offenses.

On motion of Senator Odom, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (43–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

**H.B. 8** (Senate Committee Substitute), a bill to prohibit the possession of firearms and weapons of mass death and destruction by felons, upon third reading.

Without objection, on motion of Senator Odom, the Senate Committee Substitute is temporarily displaced.

**H.B. 29** (Senate Committee Substitute), a bill to provide for commitment of juveniles adjudicated delinquent for certain felony offenses to age eighteen, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

**H.B. 8** (Senate Committee Substitute), a bill to prohibit the possession of firearms and weapons of mass death and destruction by felons, temporarily displaced earlier, upon third reading.

Senator Odom offers Amendment No. 1 which is adopted (43–0).

Senator Hyde offers Amendment No. 2 which is adopted (44–0).

Senator Hyde offers Amendment No. 3 which is adopted (44–0).

The Senate Committee Substitute bill, as amended, passes its third reading (43–0) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

## REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

Senator Daniel offers a motion that the bills reported be placed on today's Calendar for immediate consideration, which motion prevails. The Chair orders the measures placed on today's Calendar for consideration in the order reported, as follows:

**S.B. 50**, a bill to provide that a defendant who agrees to a suspended sentence, probation, or an alternative sentence or punishment and who willfully violates a condition of that judgment may be held in criminal contempt for the violation, with a favorable report.

**H.B. 32** (Senate Committee Substitute), a bill to require the Clerk of Superior Court to include the names of any victims in the information attached to a prisoner's commitment, as rewritten by the **Select Committee on Courts**, with a favorable report.

**H.B. 53**, a bill to provide that a defendant, after a finding of probable cause or indictment for committing indecent liberties with a child fifteen years old or younger which involves a sex offense, shall be tested for certain sexually transmitted infections upon the request of the victim and to add herpes to the list of sexually transmitted infections, with a favorable report.

**H.B. 74** (Committee Substitute), a bill to add to the condition that a probationer pursue a course of study or training by requiring the probationer to abide by the rules of the institution providing the education or training, with a favorable report.

**S.B. 75**, a bill to allow nontestimonial identification and publication of photographs of juveniles who have committed offenses that would be certain felonies if committed by adults, with a favorable report, as amended.

**H.B. 10** (Senate Committee Substitute), a bill to amend the laws regarding the confiscation, forfeiture, and disposition of firearms, as rewritten by the **Select Committee on Corrections/Punishment**, with a favorable report, as amended.

**S.B. 170** (Committee Substitute), a bill to require the registration of persons convicted of certain criminal sexual offenses, with an unfavorable report as to **Select Committee on Courts** Substitute bill, but favorable as to proposed (7820) Committee Substitute bill, No. 2.

**H.B. 7**, a bill to repeal the provision in the Structured Sentencing Act that would have provided that possession of less than one gram of cocaine was not a felony, with an unfavorable report as to bill but favorable as to proposed Senate Committee Substitute bill 1262, which proposes to change the title, upon concurrence, to read **H.B. 7** (Proposed Senate Committee Substitute), a bill to repeal the provision in the Structured Sentencing Act that would have provided that possession of less than one gram of cocaine was not a felony and to provide for deferred proceedings and expunction of records for first–time simple possession of less than one gram of cocaine.

## CALENDAR (Continued)

**S.B. 50**, a bill to provide that a defendant who agrees to a suspended sentence, probation, or an alternative sentence or punishment and who willfully violates a condition of that judgment may be held in criminal contempt for the violation, placed on the Calendar earlier today for consideration upon its passage.

The bill passes its second (42–0) and third readings and is ordered sent to the House of Representatives by special messenger.

## RECONSIDERATION

**H.B. 11** (Senate Committee Substitute), a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity or a person determined to be incapable to proceed from possessing a firearm or a weapon of death and mass destruction, earlier today ordered placed on the Calendar for tomorrow, Thursday, March 10.

Senator Conder offers a motion that the vote by which the motion to place the measure on the Calendar for tomorrow, Thursday, March 10, prevailed, be reconsidered, which motion prevails, and the question becomes the motion to place the measure on the Calendar for tomorrow.

With unanimous consent, Senator Conder withdraws his motion to place the measure on the Calendar for tomorrow, Thursday, March 10, and offers a motion to place the measure at the end of today's Calendar for consideration upon its passage, which motion prevails.

The Chair orders the Senate Committee Substitute bill placed at the end of today's Calendar for consideration upon its passage.

## CALENDAR (Continued)

**H.B. 32** (Senate Committee Substitute), a bill to require the Clerk of Superior Court to include the names of any victims in the information attached to a prisoner's commitment, placed on the Calendar earlier today for consideration upon its passage.

The Senate Committee Substitute bill passes its second (43–0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

**H.B. 53**, a bill to provide that a defendant, after a finding of probable cause or indictment for committing indecent liberties with a child fifteen years old or younger

which involves a sex offense, shall be tested for certain sexually transmitted infections upon the request of the victim and to add herpes to the list of sexually transmitted infections, placed on the Calendar earlier today for consideration upon its passage.

The bill passes its second (42–0) and third readings and is ordered enrolled.

**H.B. 74** (Committee Substitute), a bill to add to the condition that a probationer pursue a course of study or training by requiring the probationer to abide by the rules of the institution providing the education or training, placed on the Calendar earlier today for consideration upon its passage.

The Committee Substitute bill passes its second (42–0) and third readings and is ordered enrolled.

**S.B. 75**, a bill to allow nontestimonial identification and publication of photographs of juveniles who have committed offenses that would be certain felonies if committed by adults, placed on the Calendar earlier today for consideration upon its passage.

On motion of Senator Daniel, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (44–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

**H.B. 10** (Senate Committee Substitute), a bill to amend the laws regarding the confiscation, forfeiture, and disposition of firearms, placed on the Calendar earlier today for consideration upon its passage.

On motion of Senator Daniel, Committee Amendment No. 1 is adopted.

The Senate Committee Substitute bill, as amended, passes its second reading (23–19).

Senator Simpson objects to the third reading of the measure. The Chair orders the Senate Committee Substitute bill, as amended, placed on the Calendar for tomorrow, Thursday, March 10, for further consideration, upon third reading.

**S.B. 170** (Proposed Committee Substitute 7820), a bill to require the registration of persons convicted of certain criminal sexual offenses, placed on the Calendar earlier today for consideration upon its passage.

On motion of Senator Daniel, proposed Committee Substitute bill 7820 is adopted.

The Committee Substitute bill No. 2 passes its second (42–0) and third readings and is ordered sent to the House of Representatives by special messenger.

## REPORT OF COMMITTEE

A select committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Odom for the Select Committee on Corrections/Punishment:

**H.B. 171** (Committee Substitute), a bill to require notification of parole hearings and the decision reached at those hearings to newspapers in the county where the prisoner being considered for parole was convicted, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Odom, the proposed Senate Committee Substitute bill 9331, which changes the title, upon concurrence, to read **H.B. 171** (Senate Committee Substitute), a bill to require notification of parole hearings and the decision reached at those hearings to newspapers and other media in the county where the prisoner being considered for parole was convicted and, if different, in the county where the prisoner was charged, is placed before the Senate for immediate consideration.

On motion of Senator Odom, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Appropriations Committee**.

## CALENDAR (Continued)

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Jordan.

**H.B. 7** (Proposed Senate Committee Substitute 1262), a bill to repeal the provision in the Structured Sentencing Act that would have provided that possession of less than one gram of cocaine was not a felony and to provide for deferred proceedings and expunction of records for first–time simple possession of less than one gram of cocaine, placed on the Calendar earlier today for consideration upon its passage.

On motion of Senator Daniel, the proposed Senate Committee Substitute bill 1262 is adopted, which changes the title, upon concurrence.

The Senate Committee Substitute bill passes its second (40–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

**H.B. 11** (Senate Committee Substitute), a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity or a person determined to be incapable to proceed from possessing a firearm or a weapon of death and mass destruction, ordered earlier today placed on today's Calendar.

Senator Odom offers Amendment No. 1 which is adopted (38–0).

The Chair orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced.

## REPORT OF COMMITTEE

A select committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Soles for the **Select Committee on Courts:**

**S.B. 123** (Committee Substitute No. 2), a bill to provide for the forfeiture or restriction of certain citizenship privileges of an individual convicted of a felony, with an unfavorable report as to Committee Substitute bill No. 2, as rewritten by the **Appropriations Committee**, but favorable as to Committee Substitute bill No. 3.

On motion of Senator Soles, the rules are suspended, and the proposed Committee Substitute bill 5769, which changes the title to read **S.B. 123** (Committee Substitute No. 3), a bill to provide for the forfeiture or restriction of certain citizenship privileges of an individual convicted of a felony or sentenced to community punishment or intermediate punishment, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill No. 3 is adopted.

With unanimous consent, the Committee Substitute bill No. 3 is placed on the Calendar for tomorrow, Thursday, March 10, for further consideration, upon its passage.

## CALENDAR (Continued)

**H.B. 11** (Senate Committee Substitute), a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity or a person determined to be incapable to proceed from possessing a firearm or a weapon of death and mass destruction, as amended, and temporarily displaced earlier.

Senator Winner of Buncombe offers Amendment No. 2 which is adopted (39–0).

The Senate Committee Substitute bill, as amended, passes its second (39–0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger, which changes the title, upon concurrence.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**H.B. 229** (Committee Substitute), a bill to authorize persons having temporary custody of juveniles to escort a juvenile unlawfully absent from school to the juvenile's school or a place in the local school administrative unit.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the Appropriations Committee.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**S.B. 150**
(House Committee Substitute)

House of Representatives
March 8, 1994

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute for Committee Substitute for **SB 150**, A BILL TO BE ENTITLED AN ACT TO ADJUST THE APPROPRIATIONS MADE FOR THE 1993–94 FISCAL YEAR AND THE 1994–95 FISCAL YEAR TO CREATE THE BUDGET MODIFICATION ACT OF 1994, the Speaker has appointed as conferees on the part of the House, Representatives Diamont and Nesbitt, Co–chairs; Representative Barnes, Representative H. Hunter, Representative Holt, Representative Black, Representative Rogers, Representative Nye, Representative Easterling, Representative Michaux, Representative Redwine, Representative Russell, Representative Bowie, Representative Dickson, and Representative Arnold to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

On motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 4:00 P.M. to meet tomorrow, Thursday, March 10, at 11:00 A.M.

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# TWENTIETH DAY

SENATE CHAMBER,
Thursday, March 10, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, renew our spirits and draw our hearts to You, so that our work today may not be a burden but a blessing.

"Help us that we may live this day with anticipation and childlike gladness, recognizing that all of life is a wonderful gift from You.

"Great is the Lord and greatly to be praised. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, March 9, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Perdue, due to official business in her home district; to Senator Winner of Mecklenburg, to Senator Martin of Pitt, and to Senator Cochrane.

The President extends courtesies of the floor to Charles W. Hipps, former Senator from Haywood County.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 53**, an act to provide that a defendant, after a finding of probable cause or indictment for committing indecent liberties with a child fifteen years old or younger which involves a sex offense, shall be tested for certain sexually transmitted infections upon the request of the victim and to add herpes to the list of sexually transmitted infections. (Ch. 8)

**H.B. 74** (Committee Substitute), an act to add to the condition that a probationer pursue a course of study or training by requiring the probationer to abide by the rules of the institution providing the education or training. (Ch. 9)

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**H.B. 110** (Committee Substitute), a bill to increase the time within which hearings for juveniles in custody take place, to provide for waiver of hearings on continued custody, to lengthen time of temporary custody of juveniles without an order, and to allow placement of juveniles by the Department of Social Services.

Referred to **Select Committee on Juveniles/Prevention** and upon a favorable report, re–referred to the **Appropriations Committee**.

**H.B. 200**, a bill to provide that in paroling inmates under the prison population cap the Governor may consent to the release of nonviolent inmates who would not otherwise be eligible for release.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

**H.B. 225** (Committee Substitute), a bill to bring the North Carolina Statutes on motor vehicle window glazing into compliance with federal law and regulations.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

## CALENDAR

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

Bills on the Calendar are taken up and disposed of, as follows:

**S.B. 123** (Committee Substitute No. 3), a bill to provide for the forfeiture or restriction of certain citizenship privileges of an individual convicted of a felony or sentenced to community punishment or intermediate punishment.

The Committee Substitute bill No. 3 passes its second (35–3) and third readings and is ordered sent to the House of Representatives by special messenger.

**H.B. 10** (Senate Committee Substitute), a bill to amend the laws regarding the confiscation, forfeiture, and disposition of firearms, as amended, upon third reading.

Senator Winner of Buncombe offers Amendment No. 2 which is adopted (39–0).

Without objection, on motion of Senator Odom, the Senate Committee Substitute bill, as amended, is temporarily displaced.

With unanimous consent, the President grant a leave of absence for the remainder of today's Session to Senator Sands.

## RECALL FROM COMMITTEE

**H.B. 55** (Senate Committee Substitute), a bill to make technical amendments and conforming changes to the General Statutes and Session Laws relating to structured sentencing, misdemeanors, and felonies, as rewritten by the **Select Committee on Courts** and referred to the **Appropriations Committee** on March 9.

Pursuant to Rule 47(b), Senator Daniel offers a motion that the Senate Committee Substitute bill be recalled from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage, which motions prevail.

The Chair orders the Senate Committee Substitute bill taken from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage.

The Senate Committee Substitute bill passes its second (41–1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger, which changes the title upon concurrence.

## CALENDAR (Continued)

**H.B. 10** (Senate Committee Substitute), a bill to amend the laws regarding the confiscation, forfeiture, and disposition of firearms, as amended, upon third reading, temporarily displaced earlier.

Senator Simpson offers Amendment No. 3.

Senator Odom offers a motion that further consideration of the Senate Committee Substitute bill, as amended, with Amendment No. 3 pending, be postponed until the next legislative day, which motion he subsequently withdraws.

The Chair orders, without objection, the Senate Committee Substitute bill, as amended, with Amendment No. 3 pending, temporarily displaced.

Without objection, on motion of Senator Basnight, the Senate recesses at 12:21 P.M. to reconvene at 12:45 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## INTRODUCTION OF PETITION

Senator Basnight submits a petition out of the regular order of business, which is presented to the Senate and read in its entirety.

The President lays before the Senate the Petition issued by Governor James B. Hunt, Jr., March 10, 1994, as follows:

### STATE OF NORTH CAROLINA

JAMES B. HUNT, JR.
GOVERNOR

STATE OF NORTH CAROLINA
PETITION

WHEREAS, the economy of North Carolina has remained strong, outpacing the national economy. During the last year, the growth in jobs has been strong and North Carolina has consistently and significantly had the lowest unemployment rate of the eleven largest states – 4.0% in January, compared to a United States average of 6.7%.

WHEREAS, the North Carolina Trust Fund in Washington is close to 1.5 billion dollars, despite a 30% tax cut for employers enacted by the General Assembly last year.

WHEREAS, an additional tax cut could be passed without endangering the solvency of the Trust Fund.

WHEREAS, it is important to further reduce taxes now, rather than wait until the Short Session in May, because North Carolina employers pay the largest amount of taxes, approximately 40%, the first quarter of the year. These funds are deposited in the U.S. Treasury in the Unemployment Trust Fund.

WHEREAS, once deposited, these dollars cannot be withdrawn except to pay unemployment benefits. They may not be returned to the state or its tax–paying businesses. We could potentially lose 25 to 45 million dollars if we wait for the Short Session.

WHEREAS, if we reduce the tax rate as proposed, it will give North Carolina the second lowest tax rate in the nation for new businesses and will boost this State's ability to attract new industry.

WHEREAS, the tax cut has the potential for creating 10,000 new jobs and the availability of jobs will give many an option to crime. Employer taxes would be reduced by approximately $67.7 million in 1994, and approximately $73.3 million in 1995. The average savings would amount to approximately $22.00 per worker.

NOW, THEREFORE, I, James B. Hunt, Jr., Governor of the State of North Carolina, at the request of the Employment Security Commission, do hereby petition the General Assembly now sitting in Extra Session to consider extraordinary legislation to reduce the tax rate for rated employers with positive account balances by an average of 38.7% and to reduce the rate for new employers and unrated employers with positive account balances by 20%.

Respectfully submitted at our Capital City of Raleigh, this tenth day of March, 1994.

S/James B. Hunt, Jr.
(SEAL) *Governor of North Carolina*

With unanimous consent, on motion of Senator Basnight, the rules are suspended, and the Petition is placed before the Senate for immediate consideration upon adoption.

The Chair rules the motion to suspend the rules and place the Petition before the Senate for immediate consideration for adoption in order.

On motion of Senator Basnight, the Petition is adopted (39–0).

The Chair orders a special message sent to the House of Representatives informing that Honorable Body of such action.

Without objection, on motion of Senator Basnight, the Senate recesses at 1:06 P.M. to reconvene at 1:15 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
March 10, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House of Representatives has read the Petition submitted by the Governor for the General Assembly now sitting in Extra Session to consider extraordinary legislation to reduce the tax rate for rated employers with positive account balances by an average of 38.7% and to reduce the rate for new employers and unrated employers with positive account balances by 20%, and shall proceed accordingly.

Respectfully submitted,
S/Denise G. Weeks
*Principal Clerk*

## REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

**S.B. 151**, a bill to appropriate funds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 4722, which changes the title to read **S.B. 151** (Committee Substitute), a bill to reduce the unemployment insurance tax rate, is placed before the Senate for immediate consideration, pursuant to the Petition by the Governor adopted earlier today and the special message from the House of Representatives.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill remains before the Senate for further consideration upon its passage.

The Chair rules the Committee Substitute bill not to be material.

The Committee Substitute bill passes its second (41–0) and third readings and is ordered sent to the House of Representatives by special messenger.

## CALENDAR (Continued)

**H.B. 10** (Senate Committee Substitute), a bill to amend the laws regarding the confiscation, forfeiture, and disposition of firearms, as amended, upon third reading, with Amendment No. 3 pending, temporarily displaced earlier.

With unanimous consent, Senator Simpson withdraws Amendment No. 3.

The Senate Committee Substitute bill, as amended, passes its third reading (26–15) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

Without objection, on motion of Senator Basnight, the Senate recesses at 1:45 P.M. to reconvene at 3:15 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

With no business to come before the Senate, without objection, on motion of Senator Basnight, the Senate recesses at 3:24 P.M. to reconvene at 4:30 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by Senator Basnight, President *Pro Tempore*, who presides in the absence of the President of the Senate.

With unanimous consent, the President *Pro Tempore* grants a leave of absence for the remainder of today's Session to Senator Hartsell and to Senator Marshall.

## REPORTS OF COMMITTEE

A select committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Guilford for the **Select Committee on Juveniles/Prevention:**

**H.B. 229** (Committee Substitute), a bill to authorize persons having temporary custody of juveniles to escort a juvenile unlawfully absent from school to the juvenile's school or a place in the local school administrative unit, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

**S.B. 141**, a bill to appropriate funds for a new Guilford County juvenile detention facility, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the proposed Committee Substitute bill 6702, which changes the title to read **S.B. 141** (Committee Substitute), a bill to provide for special treatment of youthful offenders, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

## ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

**S.B. 151** (Committee Substitute), an act to reduce the unemployment insurance tax rate. (Ch. 10)

On motion of Senator Soles, seconded by Senator Hyde, the Senate adjourns at 4:39 P.M. to meet Monday, March 14, at 3:00 P.M.

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# TWENTY–FIRST DAY

SENATE CHAMBER,
Monday, March 14, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Most Holy God, sometimes progress toward achieving our goal is painfully slow. Forgive us when we allow progress to be impeded by a clash of personalities or when the joy of our calling has been diminished by someone else's ambition or our own.

"Teach us to forgive as we have been forgiven. Help us to mount hope as on the dawn of a new day. And give us enthusiasm for our tasks, for nothing great was ever achieved without enthusiasm. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of Thursday, March 10, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Forrester, who is covering his medical practice; to Senator Richardson, due to car trouble; to Senator Folger and to Senator Plexico.

Pursuant to motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 7** (Senate Committee Substitute), an act to repeal the provision in the Structured Sentencing Act that would have provided that possession of less than one gram of cocaine was not a felony and to provide for deferred proceedings and expunction of records for first–time simple possession of less than one gram of cocaine. (Ch. 11)

**H.B. 32** (Senate Committee Substitute), an act to require the Clerk of Superior Court to include the names of any victims in the information attached to a prisoner's commitment. (Ch. 12)

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**H.B. 51** (Committee Substitute No. 2), a bill to amend the State policy on employment of prisoners.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

**H.B. 10**
(Senate Committee Substitute)

House of Representatives
March 10, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **HB 10**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE CONFISCATION, FORFEITURE, AND DISPOSITION OF FIREARMS, and requests conferees. The Speaker has appointed Representative G. Miller, Representative Lemmond, and Representative Alexander on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 11**
(Senate Committee Substitute)

House of Representatives
March 10, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **HB 11**, A BILL

TO BE ENTITLED AN ACT TO PROHIBIT A PERSON WHO WAS ACQUITTED OF CERTAIN CRIMINAL OFFENSES BY REASON OF INSANITY OR A PERSON DETERMINED TO BE INCAPABLE TO PROCEED FROM POSSESSING A FIREARM OR A WEAPON OF DEATH AND MASS DESTRUCTION, and requests conferees. The Speaker has appointed Representative G. Miller, Representative Fussell, and Representative Decker on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## APPOINTMENT OF CONFERENCE COMMITTEES

**H.B. 10** (Senate Committee Substitute), a bill to amend the laws regarding the confiscation, forfeiture, and disposition of firearms.

Pursuant to the message from the House of Representatives requesting conferees received earlier today, Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Odom (Chairman), Ballance, Marshall, and Shaw, as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**H.B. 11** (Senate Committee Substitute), a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity or a person determined to be incapable to proceed from possessing a firearm or a weapon of death and mass destruction.

Pursuant to the message from the House of Representatives requesting conferees received earlier today, Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Odom (Chairman), Ballance, Marshall, and Shaw, as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Basnight, the Chair declares the Senate in recess at 3:29 P.M. for the purpose of committee meetings to reconvene at 4:15 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## CONFERENCE REPORT

**H.B. 11**
(Senate Committee Substitute)

Senator Odom, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 11** (Committee Substitute), a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity from possessing a firearm or a weapon of death and mass destruction, and the Senate Committee Substitute bill which proposes to change the title, upon concurrence, to read **H.B. 11** (Senate Committee Substitute), a bill to prohibit a person who was acquitted of certain criminal offenses by reason of insanity or a person determined to be incapable to proceed from possessing a firearm or a weapon of death and mass destruction, submits the following report:

*To the President of the Senate and the Speaker of the House of Representatives:*

The conferees appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 11, A BILL TO BE ENTITLED AN ACT TO PROHIBIT A PERSON WHO WAS ACQUITTED OF CERTAIN CRIMINAL OFFENSES BY REASON OF INSANITY OR A PERSON DETERMINED TO BE INCAPABLE TO PROCEED FROM POSSESSING A FIREARM OR A WEAPON OF DEATH AND MASS DESTRUCTION, Senate Select Committee on Corrections/ Punishment Committee Substitute Adopted 2/17/94, Fifth Edition Engrossed 3/9/94, submit the following report:

The House of Representatives and the Senate agree to the following amendments to the Senate Select Committee on Corrections/Punishment Committee Substitute Adopted 2/17/94, Fifth Edition Engrossed 3/9/94, and the House concurs in the Senate Committee Substitute as amended:

(1) On page 1, line 12, delete "Except as provided in subsection (b) of this section, it", and substitute "It"; and
(2) On page 2, line 4, delete "(c)", and substitute "(b)"

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: March 10, 1994.

| | |
|---|---|
| S/T.L.Odom | S/George Miller |
| S/Frank W. Ballance, Jr. | S/Michael P. Decker |
| S/Robert G. Shaw | S/Aaron E. Fussell |
| S/Elaine F. Marshall | |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

On motion of Senator Odom, the Conference Report is adopted (41–0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Chair declares the Senate in recess at 4:22 P.M. to reconvene at 4:30 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## REPORT OF COMMITTEE

A select committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Ballance for the **Select Committee on Corrections/Punishment:**

**H.B. 200**, a bill to provide that in paroling inmates under the prison population cap the Governor may consent to the release of nonviolent inmates who would not otherwise be eligible for release, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 2317, which changes the title, upon concurrence, to read **H.B. 200** (Senate

Committee Substitute), a bill to provide that the Governor shall set the prison population cap and to provide that in paroling inmates under the prison population cap the Parole Commission may release nonviolent inmates who would not otherwise be eligible for release, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Senate Committee Substitute bill is adopted, and on his further motion remains before the Senate for immediate consideration upon its passage.

The Senate Committee Substitute bill passes its second reading (41–0).

Senator Plexico announces his presence and withdraws his request for a leave of absence for the remainder of today's Session.

The Senate Committee Substitute bill passes its third reading (42–0) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, which changes the title, upon concurrence, by special messenger.

## APPOINTMENT OF ADDITIONAL CONFEREE

**S.B. 150** (House Committee Substitute), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994.

The President *Pro Tempore* appoints Senator Hartsell, as an additional conferee on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The President recognizes the following pages serving in the Senate this week: Beth Bernstein, Raleigh; DeeAnn Coffin, Mebane; Anthony Harris, Greenville; Amelia Marie Knauff, Mebane; Kelvin Mangum, Wendell; Nicole Mitchell, Raleigh; Valeria Lashearl Nunnally, Pelham; and Amanda Marie Scott, Mebane.

On motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns at 5:08 P.M. to meet tomorrow, Tuesday, March 15, at 9:00 A.M.

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# TWENTY-SECOND DAY

SENATE CHAMBER,
Tuesday, March 15, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, You are worthy of all praise. There is no God beside You. Since we can remember, You have brought the springtime from winter's cold. And this year, You have done it again. You have made heaven and earth. You have made each of us in Your Own Image.

"And out of Your Energy, we are given this new day of experience. As we approach You this morning, we humbly ask that You meet us at our place of need and guide us in all that we do. In Your Name, we pray, Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, March 14, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Gulley, due to medical reasons; and to Senator Folger.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

**H.B. 11**
(Senate Committee Substitute)

House of Representatives
March 14, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute to **HB 11**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT A PERSON WHO WAS ACQUITTED OF CERTAIN CRIMINAL OFFENSES BY REASON OF INSANITY OR A PERSON DETERMINED TO BE INCAPABLE TO PROCEED FROM POSSESSING A FIREARM OR A WEAPON OF DEATH AND MASS DESTRUCTION, similar action having been taken on the part of the Senate, we have ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Adoption of the Conference Report by the House of Representatives constitutes concurrence changing the title.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 10**
(Senate Committee Substitute)

House of Representatives
March 14, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute to **HB 10**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE CONFISCATION, FORFEITURE, AND DISPOSITION OF FIREARMS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 11** (Senate Committee Substitute), an act to prohibit a person who was acquitted of certain criminal offenses by reason of insanity or a person determined to be incapable to proceed from possessing a firearm or a weapon of death and mass destruction. (Ch. 13)

**H.B. 55** (Senate Committee Substitute), an act to make technical amendments and conforming changes to the General Statutes and Session Laws relating to structured sentencing, misdemeanors, and felonies. (Ch. 14)

**H.B. 200** (Senate Committee Substitute), an act to provide that the Governor shall set the prison population cap and to provide that in paroling inmates under the prison population cap the Parole Commission may release nonviolent inmates who would not otherwise be eligible for release. (Ch. 15)

## CONFERENCE REPORT

**H.B. 10** (Senate Committee Substitute)

Senator Odom, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 10** (Senate Committee Substitute), a bill to amend the laws regarding the confiscation, forfeiture, and disposition of firearms, submits the following report:

*To the President of the Senate and the*
*Speaker of the House of Representatives:*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 10, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE CONFISCATION, FORFEITURE, AND DISPOSITION OF FIREARMS, Fifth Edition Engrossed 3/10/94, submit the following report:

The House of Representatives concurs in the Fifth Edition Engrossed 3/10/94 and the House and the Senate agree to the following amendments to the Fifth Edition Engrossed 3/10/94:

On page 2, line 17, delete "March 1," and substitute "May 1,".

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: March 14, 1994.

| | |
|---|---|
| S/T.L. Odom | S/George Miller |
| S/Frank W. Ballance, Jr. | S/J. Shawn Lemmond |
| S/Elaine F. Marshall | S/Martha Bedell Alexander |
| S/Robert G. Shaw | |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

On motion of Senator Odom, the Conference Report is adopted (38–3) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Without objection, on motion of Senator Odom, the Senate recesses at 9:23 A.M. to reconvene at 3:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

With unanimous consent, the President grants a leave of absence for the remainder of today's session to Senator Edwards.

Senator Folger announces his presence and withdraws his request for a leave of absence.

## ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

**H.B. 10** (Senate Committee Substitute), an act to amend the laws regarding the confiscation, forfeiture, and disposition of firearms. (Ch. 16)

On motion of Senator Basnight, the Chair declares the Senate in recess at 3:07 P.M. to reconvene at 4:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 8**
(Senate Committee Substitute)

House of Representatives
March 15, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **HB 8**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OF FIREARMS AND WEAPONS OF MASS DEATH AND DESTRUCTION BY FELONS, and requests conferees. The Speaker has appointed Representative Michaux, Representative Richardson, Representative Lemmond, and Representative G. Miller on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails. The President *Pro Tempore* takes the appointment of conferees under advisement.

On motion of Senator Basnight, seconded by Senator Kerr, the Senate adjourns at 4:21 P.M. to meet tomorrow, Wednesday, March 16, at 1:30 P.M.

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# TWENTY-THIRD DAY

SENATE CHAMBER,
Wednesday, March 16, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with a quote from Exodus 16:3, as follows:

"All Knowing God, the men and women of the Senate have worked very hard in this Extraordinary Session to write legislation that will reduce crime and violence in our State.

"But we confess that great frustration arises when, having worked so diligently, there are still barriers to overcome.

"We feel much like the Israelites who, having been freed by You from the cruel bondage of Egypt, found themselves hungry in the desert and murmured against You saying, 'We wish that the Lord had killed us in Egypt. There we could at least sit down and eat meat and as much other food as we wanted. But You have brought us out into this wilderness to starve us all to death!'

"Understand our frustration, hear our murmurings, and rain down bread from heaven, O Lord, so that we may finish our appointed tasks. Amen."

Senator Harris, for the **Rules and Operation of the Senate Committee,** announces the Journal of yesterday, Tuesday, March 15, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Conder and to Senator Hoyle, who are attending to business of the State in Washington, D.C.; to Senator Folger, who has a prior business appointment; to Senator Richardson and to Senator Edwards.

Without objection, on motion of Senator Harris, the Chair declares the Senate in recess at 1:50 P.M. to reconvene at 2:00 P.M.

**RECESS**

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Senator Daniel offers an oral report as to negotiations by the conferees on **S.B. 150** (House Committee Substitute), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, with no recommendation.

With no business to come before the Senate, on motion of Senator Basnight, seconded by Senator Kaplan, the Senate adjourns at 2:13 P.M. to meet tomorrow, Thursday, March 17 at 10:00 A.M.

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## TWENTY–FOURTH DAY

SENATE CHAMBER,
Thursday, March 17, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"We are grateful, O God, for You have responded to our prayers and progress is being made in this great Body.

"Now, we would be so bold to look to the day, promised in Scripture, when laws will no longer be needed to deter crimes by punishment or prevent crimes through education.

"On that day, Your Law will be written on the hearts of all people. A Law that supersedes all others, because You shall be our God and we shall be Your People. Hasten that day, we pray. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, March 16, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Richardson.

The Senate receives an oral report from Senator Daniel, Chairman of the Conference Committee on **S.B. 150** (House Committee Substitute), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994. (See Appendix)

With no business to come before the Senate, on motion of Senator Basnight, the Chair declares the Senate in recess for the purpose of committee meetings at 10:32 A.M. to reconvene at 1:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

With unanimous consent, the President *Pro Tempore* grants a leave of absence for a portion of today's session to Senator Parnell.

## REPORT OF COMMITTEE

A select committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Ballance for the **Select Committee on Corrections/Punishment:**

**H.B. 6** (Committee Substitute), a bill to repeal the provisions in the Structured Sentencing Act that restricted the definition of habitual felon and lowered the punishment for an habitual felon from Class C to Class D, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the proposed Senate Committee Substitute bill 7391, which changes the title, upon concurrence, to read **H.B. 6** (Senate Committee Substitute), a bill to amend and recodify the habitual felon law under the Structured Sentencing Act, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Appropriations Committee**.

## RECALL FROM COMMITTEE

**H.B. 229** (Committee Substitute), a bill to authorize persons having temporary custody of juveniles to escort a juvenile unlawfully absent from school to the juvenile's school or a place in the local school administrative unit, referred to the **Appropriations Committee** on March 10.

Pursuant to Rule 47(b), Senator Plyler offers a motion that the Committee Substitute bill be recalled from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage.

With unanimous consent, the Chair orders the Committee Substitute bill temporarily displaced.

**H.B. 6** (Senate Committee Substitute), a bill to amend and recodify the habitual felon law under the Structured Sentencing Act, reported from the **Select Committee on Corrections/Punishment**, adopted, and re–referred to the **Appropriations Committee**, earlier today.

Pursuant to Rule 47(b), Senator Daniel offers a motion that the Senate Committee Substitute bill be recalled from the **Appropriations Committee** and placed on today's Calendar for consideration upon its passage, which motions prevail.

The Chair orders the Senate Committee Substitute bill taken from the **Appropriations Committee** and placed on today's Calendar for consideration upon its passage.

On motion of Senator Daniel, with unanimous consent, the Chair declares the Senate in recess at 1:24 P.M. to reconvene at 3:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Senator Parnell announces his presence in the Chamber and requests to withdraw his leave of absence, which request is granted.

## REPORT OF COMMITTEE

A select committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Cooper for the **Select Committee on Courts:**

**H.B. 145** (Committee Substitute), a bill to require that the parent, guardian, or next of kin of a minor who is charged or taken into custody by a law enforcement officer shall be notified without unnecessary delay and to amend the law regarding the concealment of merchandise in mercantile establishments, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the proposed Senate Committee Substitute bill 5253, which changes the title, upon concurrence, to read **H.B. 145** (Senate Committee Substitute), a bill to amend the law regarding the concealment of merchandise in mercantile establishments, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Appropriations Committee**.

## CALENDAR

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

Bills on the Calendar are taken up and disposed of, as follows:

**H.B. 229** (Committee Substitute), a bill to authorize persons having temporary custody of juveniles to escort a juvenile unlawfully absent from school to the juvenile's school or a place in the local school administrative unit, placed on the Calendar and temporarily displaced earlier today.

The Committee Substitute bill passes its second (35–0) and third (37–0) readings and is ordered enrolled.

**H.B. 6** (Senate Committee Substitute), a bill to amend and recodify the habitual felon law under the Structured Sentencing Act, earlier today reported from the **Select Committee on Corrections/Punishment**, adopted, and re-referred to the **Appropriations Committee**, recalled, and placed on the Calendar for further consideration upon its passage.

The Senate Committee Substitute bill passes its second (39–3) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger, which proposes to change the title upon concurrence.

On motion of Senator Soles, with unanimous consent, the Chair declares the Senate in recess at 3:21 P.M. to reconvene at 5:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, duly ratified, and sent to the Office of the Secretary of State:

**H.B. 229** (Committee Substitute), an act to authorize persons having temporary custody of juveniles to escort a juvenile unlawfully absent from school to the juvenile's school or a place in the local school administrative unit. (Ch. 17)

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**S.B. 50**, a bill to provide that a defendant who agrees to a suspended sentence, probation, or an alternative sentence or punishment and who willfully violates a condition of that judgment may be held in criminal contempt for the violation, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 50** (House Committee Substitute), a bill to provide that a defendant who willfully violates a condition of probation may be held in criminal contempt for the violation.

On motion of Senator Sands, without objection, the House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, March 18, for consideration upon its passage.

## APPOINTMENT OF CONFERENCE COMMITTEE

**H.B. 8** (Senate Committee Substitute), a bill to prohibit the possession of firearms and weapons of mass death and destruction by felons.

Pursuant to the message from the House of Representatives received March 15 requesting conferees, and the motion the Senate do appoint conferees, offered by Senator Sands, which prevailed March 15, the President *Pro Tempore* appoints Senators Ballance (Chairman), Kincaid, and Hoyle as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Basnight, seconded by Senator Tally, the Senate adjourns at 5:10 P.M. to meet tomorrow, Friday, March 18, at 10:00 A.M.

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## TWENTY–FIFTH DAY

SENATE CHAMBER,
Friday, March 18, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Senator Clark Plexico is recognized to offer prayer. The remarks of Senator Plexico are, as follows:

"Because I hope we are getting somewhat nearer to adjournment, and because I need to explain why the prayer I am going to offer means so much to me, I hope you will bear with me for a minute or two.

"As most of you know, I married an English girl. In fact, we were married at St. Mary's Church in the Village of Icomb, in southwest England. The chapel that was built in the 12th Century, 400 years before the Pilgrims landed at Plymouth Rock, and before *Magna Carta.*

"In the chapel of the church is the burial tomb of a knight. A knight who was involved in the Crusades. And on the wall next to the tomb hangs a written prayer called the *Knight's Prayer.* It's the first place I return to every time I go back to England. Standing in that 800–year–old church is a humbling experience for a little boy from a small Southern town. And I always feel part of something bigger than Henderson County, 29th Senatorial District, even North Carolina. It helps to keep things in perspective.

"I often think of that prayer when I'm here. I think of the people who sat in my legislative seat before I came, and realize we're connected even in our current–day diversity with those who came before us in the North Carolina General Assembly, leading back to the Colonial Legislature, the British Parliament, *Magna Carta*, right back to the Crusader Knights.

"So I offer this *Knight's Prayer* from the chapel in Icomb, England, with the hope that we will keep things in perspective, and that we will always remember that when we make decisions in this Body, we do so as part of a tradition and a heritage as rich as it is long. And the decisions we make are not just for today, or not through the next election, or even the foreseeable future. The decisions we make connect us to the generations who come here long after we're gone. With this in mind, let us pray.

> My Lord, I am ready on the threshold of this new day.
> To go forth armed with Thy Power,
> Seeking adventure on the high road.
> To right wrong.
> To overcome evil.
> To suffer wounds and endure pain, if need be.
> But in all things to serve Thee bravely,
> Faithfully, joyfully,
> That at the end of the day's labor,
> Kneeling for Thy Blessing,
> Thy mayest find no blot upon my shield. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Thursday, March 17, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President *Pro Tempore* grants leaves of absence for today to Senator Harris, who is in "need of suit and shirt;" to Senator Forrester, who is attending a medical task force meeting in Washington, D.C.; to Senator Parnell, who is attending a ground–breaking at Pembroke University; to Senator Folger and to Senator Smith.

## RECALL FROM COMMITTEE

**H.B. 171** (Senate Committee Substitute), a bill to require notification of parole hearings and the decision reached at those hearings to newspapers and other media in the county where the prisoner being considered for parole was convicted and, if different, in the county where the prisoner was charged, as rewritten by the **Select Committee on Corrections/Punishment**, adopted, and referred to the **Appropriations Committee** on March 9.

Pursuant to Rule 47(b), Senator Daniel offers a motion that the Senate Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for today, for consideration upon its passage, which motions prevail, with unanimous consent.

The Chair orders the Senate Committee Substitute bill taken from the **Appropriations Committee** and placed on the Calendar for today, for consideration upon its passage.

## ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

**S.B. 124**, an act to provide for the use of laser speed enforcement in North Carolina. (Ch. 18)

On motion of Senator Daniel, the Chair declares the Senate in recess at 10:33 A.M. for the purpose of committee meetings to reconvene at 11:00 A.M.

## RECESS

The Senate meets pursuant to recess and is called to order by Senator Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

With unanimous consent, the Chair grants a leave of absence for the remainder of today's Session to Senator Martin of Pitt, who is sick, and to Senator Jordan.

## CALENDAR

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

Bills on the Calendar are taken up and disposed of, as follows:

**S.B. 50**, a bill to provide that a defendant who agrees to a suspended sentence, probation, or an alternative sentence or punishment and who willfully violates a condition of that judgment may be held in criminal contempt for the violation, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 50** (House Committee Substitute), a bill to provide that a defendant who willfully violates a condition of probation may be held in criminal contempt for the violation.

The Senate concurs in the House Committee Substitute bill (39–1) and the measure is ordered enrolled.

**H.B. 171** (Senate Committee Substitute), a bill to require notification of parole hearings and the decision reached at those hearings to newspapers and other media in the county where the prisoner being considered for parole was convicted and, if different, in the county where the prisoner was charged, placed earlier today on the Calendar for consideration upon its passage.

Senator Sands offers Amendment No. 1 which is adopted (40–0).

The Senate Committee Substitute bill, as amended, passes its second reading (36–4).

Senator Ballance objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for the next legislative day, for further consideration, upon third reading.

Senator Daniel offers an oral report on negotiations of the conference committee on **S.B. 150** (House Committee Substitute), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 199, with no recommendation. (See Appendix)

On motion of Senator Daniel, the Chair declares the Senate in recess at 11:58 A.M. for the purpose of committee meetings to reconvene at 1:30 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by Senator Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

With no business to come before the Senate, on motion of Senator Soles, the Chair declares the Senate in recess at 1:45 P.M. for the purpose of committee meetings to reconvene at 2:15 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by Senator Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

## ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

**S.B. 50** (House Committee Substitute), an act to provide that a defendant who willfully violates a condition of probation may be held in criminal contempt for the violation. (Ch. 19)

With unanimous consent, the Chair grants a leave of absence for the remainder of today's Session to Senator Sands, who has a previous business commitment in Winston–Salem, and to Senator Albertson.

## WITHDRAWAL FROM CALENDAR

**H.B. 171** (Senate Committee Substitute), a bill to require notification of parole hearings and the decision reached at those hearings to newspapers and other media in the county where the prisoner being considered for parole was convicted and, if different, in the county where the prisoner was charged, as amended, earlier today placed on the Calendar for the next legislative day, upon third reading.

Senator Ballance offers a motion that the Senate Committee Substitute bill, as amended, be taken from the Calendar for the next legislative day and placed before the Senate for further consideration, upon third reading, which motions prevail.

The Chair orders the Senate Committee Substitute bill, as amended, taken from the Calendar for the next legislative day and placed before the Senate for further consideration, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading (24–3) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, which changes the title, upon concurrence, by special messenger.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**S.B. 123** (Committee Substitute No. 3), a bill to provide for the forfeiture or restriction of certain citizenship privileges of an individual convicted of a felony or sentenced to community punishment or intermediate punishment, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 123** (House Committee Substitute), a bill to provide for the forfeiture of certain citizenship privileges of an individual convicted of a felony who refuses probation or whose probation is revoked or suspended.

On motion of Senator Cooper, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Chair orders, without objection, the House Committee Substitute bill temporarily displaced.

Senator Daniel offers an oral report on the negotiations of the conference committee on **S.B. 150** (House Committee Substitute), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, with no recommendation. (See Appendix)

## CALENDAR (Continued)

**S.B. 123** (Committee Substitute No. 3), a bill to provide for the forfeiture or restriction of certain citizenship privileges of an individual convicted of a felony or sentenced to community punishment or intermediate punishment, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 123** (House Committee Substitute), a bill to provide for the forfeiture of certain citizenship privileges of an individual convicted of a felony who refuses probation or whose probation is revoked or suspended, temporarily displaced earlier.

The Senate concurs in the House Committee Substitute bill (28–2) and the measure is ordered enrolled.

## ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

**S.B. 123** (House Committee Substitute), an act to provide for the forfeiture of certain citizenship privileges of an individual convicted of a felony who refuses probation or whose probation is revoked or suspended. (Ch. 20)

With unanimous consent, the Chair declares the Senate in recess at 7:15 P.M. for the purpose of committee meetings.

## RECESS

The Senate meets pursuant to recess at 9:01 P.M. and is called to order by Senator Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Senator Daniel offers an oral report on the negotiations of the conference committee on **S.B. 150** (House Committee Substitute), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, with no recommendation. (See Appendix)

With no further business to come before the Senate, on motion of Senator Soles, seconded by Senator Johnson, the Senate adjourns at 9:05 P.M. to meet Monday, March 21, at 8:00 P.M.

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# TWENTY–SIXTH DAY

SENATE CHAMBER,
Monday, March 21, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Harry L. Cohen, Pastor of the New Covenant United Holy Church in Burlington, as follows:

"Lean not to thy own understanding, but in all thy ways acknowledge God, and He shall direct thy path.

"How excellent is Thy Name, Oh Lord, in all the earth. We take this time to acknowledge You, because we sense a need for Your Directions.

"The men and women who have given themselves to be the servants of the people of our State will make many decisions which will impact the lives of Your people. Decisions which will become laws of the State.

"Grant them Your Wisdom to know what is best, the spirit of cooperation and respect for fellow Senators, and the courage to move with regard to time.

"Let true business sense rise in each Senator's heart giving clear understanding. Give creative ability for the solutions to the problems facing our State and Nation.

"Let Your Peace abound and grant success. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Friday, March 18, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Hartsell, who is attending a county commissioners' meeting; to Senator Winner of Buncombe, due to a required court appearance; to Senator Perdue, due to a prior commitment; to Senator Jordan, due to a prior business engagement; to Senator Hoyle, due to a prior business engagement; to Senator Folger, to Senator Tally, to Senator Winner of Mecklenburg, to Senator Soles, and to Senator Gulley.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**S.B. 2**, a bill to provide for life without parole for first degree murder, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 2** (House Committee Substitute), a bill to provide for life imprisonment without parole for first degree murder and to provide that, after a defendant has served twenty–five years of imprisonment and every two years thereafter, the defendant's sentence of life imprisonment without parole shall be reviewed by a resident Superior Court Judge for the county in which the defendant was convicted and the judge shall make a recommendation to the Governor or an executive agency designated by the Governor as to whether or not the defendant's sentence should be altered or commuted.

Recommitted to the **Select Committee on Corrections/Punishment.**

**H.B. 39** (Committee Substitute No. 2), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, to increase the punishment under structured sentencing for first degree rape and first degree sexual offense, including life without parole for the aggravated range of prior record levels V and VI, to repeal the provisions in the Structured Sentencing Act

that restricted the definition of habitual felon and lowered the punishment for an habitual felon from Class C to Class D, to provide that an enhanced sentence shall be imposed on a person convicted of a Class A through E felony if the person used, displayed, or threatened to use or display a firearm during the commission of the felony, and to provide that a firearm used in the commission of a felony shall be confiscated and disposed of as ordered by the court unless it can be established that the firearm is owned by someone other than the convicted defendant, to lower the age of juveniles who may be transferred to superior court from 14 to 13 years of age and to authorize the Juvenile Code Committee to study mandatory transfer of juveniles to superior court for serious felony offenses, to provide that upon a third conviction of certain violent felonies an offender is a violent habitual felon and shall be sentenced to life imprisonment without parole, unless the offender is sentenced to death for a capital offense.

Referred to **Select Committee on Corrections/Punishment** and upon a favorable report, re–referred to the **Appropriations Committee**.

**H.B. 128** (Committee Substitute), a bill to make it a misdemeanor for a person to willfully make a false, misleading, or unfounded report to a law enforcement agency or officer.

Referred to **Select Committee on Corrections/Punishment.**

On motion of Senator Basnight, seconded by Senator Plexico, the Senate adjourns at 8:25 P.M. to meet tomorrow, Tuesday, March 22, at 10:30 A.M.

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## TWENTY–SEVENTH DAY

SENATE CHAMBER,
Tuesday, March 22, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Hope, Your Very Presence causes us to choose Whom we will serve. Help us to choose Your Way so that we will not be confused by conflicting motives.

"Give us strength this week as we struggle for justice's sake.

"When we have confrontations, let us be honest and direct yet, compassionate and humble. Finally, help us to persevere with faith and humor in all the tasks that You have given to us. In Your Holy Name we pray, Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Monday, March 21, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Marshall, due to a mandatory court appearance; to Senator Tally, and to Senator Winner of Buncombe.

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

### REPORT OF COMMITTEE

A bill is reported from a select committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Odom for the **Select Committee on Corrections/Punishment:**

**H.B. 39** (Committee Substitute No. 2), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, to increase the punishment under structured sentencing for first degree rape and first degree sexual offense, including life without parole for the aggravated range of prior record levels V and VI, to repeal the provisions in the Structured Sentencing Act that restricted the definition of habitual felon and lowered the punishment for an habitual felon from Class C to Class D, to prohibit the possession of firearms and weapons of mass death and destruction by felons, to provide that an enhanced sentence shall be imposed on a person convicted of a Class A through E felony if the person used, displayed, or threatened to use or display a firearm during the commission of the felony, and to provide that a firearm used in the commission of a felony shall be confiscated and disposed of as ordered by the court unless it can be established that the firearm is owned by someone other than the convicted defendant, to lower the age of juveniles who may be transferred to superior court from 14 to 13 years of age and to authorize the Juvenile Code Committee to study mandatory transfer of juveniles to superior court for serious felony offenses, to provide that upon a third conviction of certain violent felonies an offender is a violent habitual felon and shall be sentenced to life imprisonment without parole, unless the offender is sentenced to death for a capital offense, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted, which proposes to change the title, upon concurrence, to read **H.B. 39** (Committee Substitute No. 2), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, to increase the punishment under structured sentencing for first degree rape and first degree sexual offense, including life without parole for the aggravated range of prior record levels V and VI, to repeal the provisions in the Structured Sentencing Act that restricted the definition of habitual felon and lowered the punishment for an habitual felon from Class C to Class D, to provide that an enhanced sentence shall be imposed on a person convicted of a Class A through E felony if the person used, displayed, or threatened to use or display a firearm during the commission of the felony, and to provide that a firearm used in the commission of a felony shall be confiscated and disposed of as ordered by the court unless it can be established that the firearm is owned by someone other than the convicted defendant, to lower the age of juveniles who may be transferred to superior court from 14 to 13 years of age and to authorize the Juvenile Code Committee to study mandatory transfer of juveniles to superior court for serious felony offenses, to provide that upon a third conviction of certain violent felonies an offender is a violent habitual felon and shall be sentenced to life imprisonment without parole, unless the offender is sentenced to death for a capital offense.

The Committee Substitute bill No. 2, as amended, remains before the Senate for further consideration and Committee Amendments No. 2 and No. 3 are adopted.

Pursuant to Rule 43, the Chair orders the measure, as amended, re–referred to the **Appropriations Committee**.

On motion of Senator Basnight, with unanimous consent, the Chair declares the Senate in recess for the purpose of committee meetings at 10:47 A.M. to reconvene at 12:00 M.

**RECESS**

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Senator Marshall and Senator Tally announce their presence in the Chamber and request to withdraw their leaves of absence, which requests are granted.

With no further business to come before the Senate, on motion of Senator Sands, the Chair declares the Senate in recess for the purpose of committee meetings at 12:04 P.M. to reconvene at 12:30 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

With no business to come before the Senate, on motion of Senator Basnight, the Chair declares the Senate in recess for the purpose of committee meetings at 12:41 P.M. to reconvene at 4:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## REPORT OF COMMITTEE

A bill is reported from a select committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Odom for the **Select Committee on Corrections/Punishment:**

**S.B. 2** (House Committee Substitute), a bill to provide for life imprisonment without parole for first degree murder and to provide that, after a defendant has served twenty–five years of imprisonment and every two years thereafter, the defendant's sentence of life imprisonment without parole shall be reviewed by a resident Superior Court Judge for the county in which the defendant was convicted and the judge shall make a recommendation to the Governor or an executive agency designated by the Governor as to whether or not the defendant's sentence should be altered or commuted, with a favorable report as to concurrence, which proposes to change the title from **S.B. 2**, a bill to provide for life without parole for first degree murder.

On motion of Senator Odom, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Chair rules the House Committee Substitute bill requires passage on two separate readings.

The Senate concurs in the House Committee Substitute bill on its second (42–2) and third readings, which changes the title, and the measure is ordered enrolled.

## ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and the President of the Senate ratifies the measure, as follows:

**S.B. 2** (House Committee Substitute), an act to provide for life imprisonment without parole for first degree murder and to provide that, after a defendant has served twenty–five years of imprisonment and every two years thereafter, the defendant's sentence of life imprisonment without parole shall be reviewed by a resident Superior Court Judge for the county in which the defendant was convicted and the judge shall make a recommendation to the Governor or an executive agency designated by the Governor as to whether or not the defendant's sentence should be altered or commuted. (Ch. 21)

## REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

**H.B. 39** (Committee Substitute No. 2), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, to increase the punishment under structured sentencing for first degree rape and first degree sexual offense, including life without parole for the aggravated range of prior record levels V and VI, to repeal the provisions in the Structured Sentencing Act that restricted the definition of habitual felon and lowered the punishment for an habitual felon from Class C to Class D, to prohibit the possession of firearms and weapons of mass death and destruction by felons, to provide that an enhanced sentence shall be imposed on a person convicted of a Class A through E felony if the person used, displayed, or threatened to use or display a firearm during the commission of the felony, and to provide that a firearm used in the commission of a felony shall be confiscated and disposed of as ordered by the court unless it can be established that the firearm is owned by someone other than the convicted defendant, to lower the age of juveniles who may be transferred to superior court from 14 to 13 years of age and to authorize the Juvenile Code Committee to study mandatory transfer of juveniles to superior court for serious felony offenses, to provide that upon a third conviction of certain violent felonies an offender is a violent habitual felon and shall be sentenced to life imprisonment without parole, unless the offender is sentenced to death for a capital offense, earlier today reported with a favorable report, as amended, from the **Select Committee on Corrections/Punishment**, placed before the Senate, Committee Amendments adopted, changing the title upon concurrence to read **H.B. 39** (Committee Substitute No. 2), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, to increase the punishment under structured sentencing for first degree rape and first degree sexual offense, including life without parole for the aggravated range of prior record levels V and VI, to repeal the provisions in the Structured Sentencing Act that restricted the definition of habitual felon and lowered the punishment for an habitual felon from Class C to Class D, to provide that an enhanced sentence shall be imposed on a person convicted of a Class A through E felony if the person used, displayed, or threatened to use or display a firearm during the commission of the felony, and to provide that a firearm used in the commission of a felony shall be confiscated and disposed of as ordered by the court unless it can be established that the firearm is owned by someone other than the convicted defendant, to lower the age of juveniles who may be transferred to superior court from 14 to 13 years of age and to authorize the Juvenile Code Committee to study mandatory transfer of juveniles to superior court for serious felony offenses, to provide that upon a third conviction of certain violent felonies an offender is a violent habitual felon and shall be sentenced to life imprisonment without parole, unless the offender is sentenced to death for a capital offense, and re–referred to the **Appropriations Committee**, with an unfavorable report as to Committee Substitute bill No. 2, as amended, but favorable as to the Senate Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the proposed Senate Committee Substitute bill 5259, which further changes the title, upon concurrence, to read **H.B. 39** (Senate Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act to increase the punishment for certain offenses, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Senate Committee Substitute bill is adopted, and on his further motion remains before the Senate for immediate consideration upon its passage.

The Senate Committee Substitute bill passes its second (41–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

Without objection, Senator Kerr requests to be recorded voting "aye" on the third reading of the measure. The request is granted.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 39** House of Representatives
(Senate Committee Substitute) March 22, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **HB 39**, which proposes to change the title to, A BILL TO BE ENTITLED AN ACT TO ESTABLISH CRIME PREVENTION AND ENHANCED PUNISHMENT INITIATIVES, TO AMEND THE LAW TO ENHANCE CRIME CONTROL, AND TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS TO CARRY OUT THE PURPOSES OF THIS ACT TO INCREASE THE PUNISHMENT FOR CERTAIN OFFENSES, and requests conferees.

The Speaker has appointed Representatives Diamont, Nesbitt, Co–chairs; Representatives Barnes, H. Hunter, Holt, Black, Rogers, Nye, Easterling, Michaux, Redwine, Russell, Bowie, Dickson, Arnold, Gardner, Fitch and Hensley on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

## EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and referred to committee, as follows:

**Executive Order Number 40**, Amending Executive Order Number 9 Concerning the Commission for a Competitive North Carolina.

Referred to **Rules and Operation of the Senate Committee.**

## APPOINTMENT OF CONFERENCE COMMITTEE

**H.B. 39** (Senate Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act to increase the punishment for certain offenses.

Pursuant to the message from the House of Representatives received earlier today, requesting conferees, and the motion of Senator Basnight to appoint conferees prevailing, the President *Pro Tempore* appoints Senators Daniel (Chairman), Plyler, Ballance, Cooper, Martin of Guilford, Shaw, Hartsell, Odom, Soles, Perdue, Cochrane, and Conder as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Basnight, seconded by Senator Blackmon, the Senate adjourns at 5:20 P.M. to meet tomorrow, Wednesday, March 23, at 10:00 A.M.

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## TWENTY–EIGHTH DAY

SENATE CHAMBER,
Wednesday, March 23, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with a quote from Matthew 26:39, as follows:

"Gracious God, there are days in both our private and corporate lives when, weary from the struggle, we pray the Prayer of Gethsemane, 'Father if it be possible, take this cup from me.'

"Out of the catharsis of that moment and the admission of our need for help, a miracle takes place. We find new strength, a new hope, a clearer vision. And with a strong resolve to continue the journey, we are able to conclude our prayer with the words, 'not my will, but Thy Will be done, O Lord.' Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, March 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

### RECALL FROM COMMITTEE

**H.B. 145** (Senate Committee Substitute), a bill to amend the law regarding the concealment of merchandise in mercantile establishments, as rewritten by the **Select Committee on Courts**, changing the title upon concurrence, and re–referred to the **Appropriations Committee** on March 17.

Senator Daniel offers a motion the Senate Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for today for consideration upon its passage, which motions prevail.

The Chair recalls the Senate Committee Substitute bill from the **Appropriations Committee** and orders the measure placed on the Calendar for today for consideration upon its passage.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**S.B. 150**
(House Committee Substitute)

House of Representatives
March 22, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the Speaker has appointed Representatives Gardner, Fitch and Hensley as additional conferees to the conference committee on House Committee Substitute for Committee Substitute for **SB 150**, A BILL TO BE ENTITLED AN ACT TO ADJUST THE APPROPRIATIONS MADE FOR THE 1993–94 FISCAL YEAR AND THE 1994–95 FISCAL YEAR TO CREATE THE BUDGET MODIFICATION ACT OF 1994.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

On motion of Senator Basnight, with unanimous consent, the Chair declares the Senate in recess for the purpose of committee meetings at 10:16 A.M. to reconvene at 12 M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## ENROLLED BILL

The Enrolling Clerk reports Senate Bill 2 was presented for ratification in the Senate on March 22, 1994, and signed by the President of the Senate. The Enrolling Clerk appeared in the Chamber of the House of Representatives on March 22, 1994, to present the bill for signature by the Speaker, but was never called on. The Enrolling Clerk, consequently, resubmits the following bill and announces it properly enrolled, duly ratified, and sent to the Office of the Secretary of State:

**S.B. 2** (House Committee Substitute), an act to provide for life imprisonment without parole for first degree murder and to provide that, after a defendant has served twenty–five years of imprisonment and every two years thereafter, the defendant's sentence of life imprisonment without parole shall be reviewed by a resident Superior Court Judge for the county in which the defendant was convicted and the judge shall make a recommendation to the Governor or an executive agency designated by the Governor as to whether or not the defendant's sentence should be altered or commuted. (Ch. 21)

With unanimous consent, the President grants a leave of absence for a portion of today's Session to Senator Soles and to Senator Marshall.

On motion of Senator Sands, with unanimous consent, the Chair declares the Senate in recess for the purpose of committee meetings at 12:03 P.M. to reconvene at 12:25 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

With no business to come before the Senate, on motion of Senator Basnight, the Chair declares the Senate in recess for the purpose of committee meetings at 12:27 P.M. to reconvene at 4:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Senator Marshall announces her presence in the Chamber and requests to withdraw her leave of absence, which request is granted.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Winner of Mecklenburg.

## CALENDAR

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

A bill on the Calendar is taken up and disposed of, as follows:

**H.B. 145** (Senate Committee Substitute), a bill to amend the law regarding the concealment of merchandise in mercantile establishments, earlier today recalled from the **Appropriations Committee** and placed on the Calendar for consideration upon its passage.

On motion of Senator Basnight, consideration of the Senate Committee Substitute bill is postponed until tomorrow, Thursday, March 24.

On motion of Senator Basnight, seconded by Senator Tally, the Senate adjourns at 4:15 P.M. to meet tomorrow, Thursday, March 24, at 10:00 A.M.

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## TWENTY-NINTH DAY

SENATE CHAMBER,
Thursday, March 24, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"It is not our brothers or sisters or our friends, but it is we, O Lord, who stand in need of prayer today. Much as we would like to see unanimity in the Legislature, we remember that You have promised that if any two are agreed, You will answer our prayers.

"So let us not be discouraged by disagreement, but rather let us hope in the prayers uttered here by a few. Then we may serve ably as Your ambassadors and as bridges in the process to move us forward. Hear our prayer and respond. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Wednesday, March 23, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Sands and to Senator Martin of Pitt.

With no business to come before the Senate, on motion of Senator Odom, the Chair declares the Senate in recess for the purpose of a committee meeting at 10:04 A.M. to reconvene at 10:10 A.M.

### RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

### REPORT OF COMMITTEE

A bill is reported from a select committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Odom for the **Select Committee on Corrections/Punishment**:

**H.B. 128** (Committee Substitute), a bill to make it a misdemeanor for a person to willfully make a false, misleading, or unfounded report to a law enforcement agency or officer, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Odom, the rules are suspended, and the proposed Senate Committee Substitute bill 4262, which changes the title, upon concurrence, to read **H.B. 128** (Senate Committee Substitute), a bill to amend the law to enhance crime control and to increase the punishment for certain offenses, is placed before the Senate for immediate consideration.

On motion of Senator Odom, the Senate Committee Substitute bill is adopted, and on his further motion the measure remains before the Senate for further consideration upon its passage.

The Senate Committee Substitute bill passes its second reading (39–1) and third reading (37–1) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill which changes the title upon concurrence, by special messenger.

Senator Harris rises and announces that the North Carolina Council of Women bestowed on the Honorable Mary P. Seymour, Senator from Guilford County, the Distinguished Woman of North Carolina Award. The Senate acknowledges the announcement with a warm, standing ovation.

## CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

**H.B. 145** (Senate Committee Substitute), a bill to amend the law regarding the concealment of merchandise in mercantile establishments.

On motion of Senator Cooper, the Senate Committee Substitute bill is recommitted to the **Select Committee on Courts**.

The Senate receives an oral report from Senator Ballance, Chairman of the Conference Committee on **H.B. 8** (Senate Committee Substitute), a bill to prohibit the possession of firearms and weapons of mass death and destruction by felons. *(See Appendix)*

The Senate receives an oral report from Senator Daniel, Chairman of the Conference Committee on **S.B. 150** (House Committee Substitute), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, and **H.B. 39** (Senate Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act to increase the punishment for certain offenses. *(See Appendix)*

On motion of Senator Daniel, with unanimous consent, the Chair declares the Senate in recess at 10:24 A.M. to reconvene at 2:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

The Senate receives an oral report from Senator Daniel, Chairman of the Conference Committee on **S.B. 150** (House Committee Substitute), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, and **H.B. 39** (Senate Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act to increase the punishment for certain offenses. *(See Appendix)*

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Kerr and to Senator Smith.

With no business to come before the Senate, on motion of Senator Daniel, the Chair declares the Senate in recess for the purpose of a committee meeting at 2:40 P.M. to reconvene at 4:30 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

## REPORT OF COMMITTEE

A select committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Martin of Guilford for the **Select Committee on Juveniles/Prevention:**

**H.B. 110** (Committee Substitute), a bill to increase the time within which hearings for juveniles in custody take place, to provide for waiver of hearings on continued custody, to lengthen time of temporary custody of juveniles without an order, and to allow placement of juveniles by the Department of Social Services, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Martin of Guilford, the proposed Senate Committee Substitute bill 4263 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Appropriations Committee**.

On motion of Senator Soles, seconded by Senator Johnson, the Senate adjourns at 5:52 P.M. to meet tomorrow, Friday, March 25, at 10:00 A.M.

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# THIRTIETH DAY

SENATE CHAMBER,
Friday, March 25, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, Scripture reminds us that Lazarus was dead and had been in the tomb four days when Jesus finally arrived. Mary and Martha, the sisters of Lazarus, immediately confronted him saying, 'Rabbi, if you had come when we asked You, our brother would not have died.'

"A few minutes later their indictment became moot because Lazarus was resurrected from the dead.

"When our inclination during difficult times is to blame others or You, O Lord, we also have the option of saying by faith, 'raise Lazarus.' Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Thursday, March 24, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, Senator Basnight, President *Pro Tempore*, grants leaves of absence for today to Senator Blackmon, who is attending a previously planned business meeting; to Senator Folger; to Senator Forrester, who is covering his medical practice; to Senator Gunter; to Senator Kerr, who relinquishes his salary and subsistence for today; to Senator Martin of Pitt; to Senator Smith; the Senator Winner of Buncombe, who is attending court; to Senator Winner of Mecklenburg; and to Senator Johnson.

Senator Daniel rises and offers an oral report from the Conference Committee on **S.B. 150** (Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act, which House Committee Substitute bill proposes, upon concurrence, to change the title to **S.B. 150** (House Committee Substitute), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, and on **H.B. 39** (Committee Substitute No. 2), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, to increase the punishment under structured sentencing for first degree rape and first degree sexual offense, including life without parole for the aggravated range of prior record levels V and VI, to repeal the provisions in the Structured Sentencing Act that restricted the definition of habitual felon and lowered the punishment for an habitual felon from Class C to Class D, to prohibit the possession of firearms and weapons of mass death and destruction by felons, to provide that an enhanced sentence shall be imposed on a person convicted of a Class A through E felony if the person used, displayed, or threatened to use or display a firearm during the commission of the felony, and to provide that a firearm used in the commission of a felony shall be confiscated and disposed of as ordered by the court unless it can be established that the firearm is owned by someone other than the convicted defendant, to lower the age of juveniles who may be transferred to superior court from 14 to 13 years of age and to authorize the Juvenile Code Committee to study mandatory transfer of juveniles to superior court for serious felony offenses, to provide that upon a third conviction of certain violent felonies an offender is a violent habitual felon and shall be sentenced to life imprisonment without parole, unless the offender is sentenced to death for a capital offense, which Senate Committee Substitute proposes, upon concurrence, to change the title to **H.B. 39** (Senate Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act to increase the punishment for certain offenses. (See Appendix)

On motion of Senator Daniel, the Chair declares the Senate in recess at 10:14 A.M. to reconvene at 11:00 A.M.

**RECESS**

The Senate meets pursuant to recess and is called to order by Senator Soles, Deputy President *Pro Tempore*, who presides.

With no business to come before the Senate, on motion of Senator Sands, the Chair declares the Senate in recess at 11:13 A.M. for the purpose of committee meetings to reconvene at 12:00 M.

**RECESS**

The Senate meets pursuant to recess and is called to order by Senator Soles, Deputy President *Pro Tempore*.

Senator Soles, Deputy President *Pro Tempore* relinquishes the gavel to Senator Basnight, President *Pro Tempore*, who presides.

With unanimous consent, the Chair grants a leave of absence for the remainder of today's Session to Senator Harris for business reasons.

With no business to come before the Senate, on motion of Senator Daniel, the Chair declares the Senate in recess at 1:13 P.M. to reconvene at 4:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by Senator Basnight, President *Pro Tempore*, who presides.

Senator Gunter and Senator Johnson announce their presence in the Chamber, and with unanimous consent withdraw leaves of absence granted earlier today.

## COURTESIES

Upon motion of Senator Tally of Cumberland County, the Chair extends courtesies of the gallery to Russian students from the City of Ivanovo, Russia, who are visiting North Carolina sponsored by Friends of the Renaissance; and to Ms. Sonja Rothstein and Mr. Bill Flowers of Fayetteville who are project coordinators. The students are, as follows: Alexey Savelyev, Marina Zaitseva, Alexander Belonosov, Roman Shorin, Olga Gladkova, Lyudmila Turkina, Andrey Obreskhov, Tatyana Taganova, Igor Ioffer, Innna Novoselsky, Dr. Sasah Novoselsky, Marina Bolshakova, Anna Yevstropova, and Yelena Karpova.

The Chair grants permission to Senator Gulley, Senator Conder, Senator Odom, and Senator Marshall to direct inquiries to the guests about their visit to North Carolina.

The guests respond as to their favorable impressions of the free enterprise system and democracy at work.

With unanimous consent, Senator Basnight, President *Pro Tempore*, directs the Sergeant-at-Arms to escort the guests to the Well of the Senate. Courtesies of the floor are extended to the group and Senator Basnight appoints those Senators present not seeking re-election to the North Carolina Senate to present the North Carolina State Flag to the guests.

Senator Johnson, Senator Richardson, Senator Sands, Senator Seymour, and Senator Tally proceed to the Well of the Senate and present the North Carolina State Flag. Senator Johnson explains the history and symbols of the flag during the presentation.

The group responds by performing a Russian song and dance, with Senator Basnight, Senator Gulley, Senator Lucas, and Ms. Mary Perry, Assistant Sergeant-at-Arms, participating.

Senator Albertson presents a gift of North Carolina peanuts to the guests.

Senator Basnight accepts accolades from the guests on behalf of the Senate and directs the Sergeant-at-Arms to escort the group from the Chamber.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 128** House of Representatives
(Senate Committee Substitute) March 25, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for Committee Substitute for **HB 128**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW TO ENHANCE CRIME CONTROL AND TO INCREASE THE

PUNISHMENT FOR CERTAIN OFFENSES, and requests conferees. The Speaker has appointed Representative Michaux, Representative Holt, and Representative Flaherty on the part of the House to confer with a like committee appointed by the Senate to the end the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Odom (Chairman), Senator Ballance, Senator Marshall, Senator Hartsell, and Senator Sands as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Senator Daniel rises and offers an oral report from the Conference Committees on **S.B. 150** (Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act, which House Committee Substitute proposes, upon concurrence, to change the title to **S.B. 150** (House Committee Substitute), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, and **H.B. 39** (Committee Substitute No. 2), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, to increase the punishment under structured sentencing for first degree rape and first degree sexual offense, including life without parole for the aggravated range of prior record levels V and VI, to repeal the provisions in the Structured Sentencing Act that restricted the definition of habitual felon and lowered the punishment for an habitual felon from Class C to Class D, to prohibit the possession of firearms and weapons of mass death and destruction by felons, to provide that an enhanced sentence shall be imposed on a person convicted of a Class A through E felony if the person used, displayed, or threatened to use or display a firearm during the commission of the felony, and to provide that a firearm used in the commission of a felony shall be confiscated and disposed of as ordered by the court unless it can be established that the firearm is owned by someone other than the convicted defendant, to lower the age of juveniles who may be transferred to superior court from 14 to 13 years of age and to authorize the Juvenile Code Committee to study mandatory transfer of juveniles to superior court for serious felony offenses, to provide that upon a third conviction of certain violent felonies an offender is a violent habitual felon and shall be sentenced to life imprisonment without parole, unless the offender is sentenced to death for a capital offense, which Senate Committee Substitute proposes, upon concurrence, to change the title to read **H.B. 39** (Senate Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act to increase the punishment for certain offenses. *(See Appendix)*

On motion of Senator Conder, the Chair declares the Senate in recess at 5:10 P.M. to reconvene at 7:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by Senator Soles, Deputy President *Pro Tempore*, who presides.

With no business to come before the Senate, with unanimous consent, the Chair declares the Senate in recess at 7:07 P.M. to reconvene at 8:30 P.M.

## RECESS

The Senate meets pursuant to recess and is called to Senator Basnight, President *Pro Tempore*, who presides.

## INTRODUCTION OF JOINT RESOLUTION

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Sands:

**S.J.R. 178**, a joint resolution adjourning the 1994 Extra Session *sine die*.

On motion of Senator Sands, the joint resolution is placed on the Calendar for today for consideration upon its passage.

## RECALL FROM COMMITTEE

**H.B. 110** (Senate Committee Substitute), a bill to increase the time within which hearings for juveniles in custody take place, to provide for waiver of hearings on continued custody, to lengthen time of temporary custody of juveniles without an order, and to allow placement of juveniles by the Department of Social Services, as rewritten by the **Select Committee on Juveniles/Prevention** and re–referred to the **Appropriations Committee** on March 24.

Pursuant to Rule 47(b), Senator Daniel offers a motion that the Senate Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for today upon its passage, which motions prevail.

The Chair orders the Senate Committee Substitute bill taken from the **Appropriations Committee** and upon motion of Senator Johnson, placed before the Senate for immediate consideration.

The Chair subsequently orders the Senate Committee Substitute bill temporarily displaced.

## CONFERENCE REPORT

**H.B. 39** (Senate Committee Substitute)

Senator Daniel, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 39** (Committee Substitute No. 2), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, to increase the punishment under structured sentencing for first degree rape and first degree sexual offense, including life without parole for the aggravated range of prior record levels V and VI, to repeal the provisions in the Structured Sentencing Act that restricted the definition of habitual felon and lowered the punishment for an habitual felon from Class C to Class D, to prohibit the possession of firearms and weapons of mass death and destruction by felons, to provide that an enhanced sentence shall be imposed on a person convicted of a Class A through E felony if the person used, displayed, or threatened to use or display a firearm during the commission of the felony, and to provide that a firearm used in the commission of a felony shall be confiscated and disposed of as ordered by the court unless it can be established that the firearm is owned by someone other than the convicted defendant, to lower the age of juveniles who may be transferred to superior court from 14 to 13 years of age and to authorize the Juvenile Code Committee to study mandatory transfer of juveniles to superior court for serious felony offenses, to provide that upon a third conviction of certain violent felonies an offender is a violent habitual felon and shall be sentenced to life impris-

onment without parole, unless the offender is sentenced to death for a capital offense, and the Senate Committee Substitute bill which proposes to change the title, upon concurrence, to read **H.B. 39** (Senate Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act to increase the punishment for certain offenses, submits the following report:

*To the President of the Senate and the*
*Speaker of the House of Representatives:*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 39, A BILL TO BE ENTITLED AN ACT TO ESTABLISH CRIME PREVENTION AND ENHANCED PUNISHMENT INITIATIVES, TO AMEND THE LAW TO ENHANCE CRIME CONTROL, AND TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS TO CARRY OUT THE PURPOSES OF THIS ACT TO INCREASE THE PUNISHMENT FOR CERTAIN OFFENSES, Senate Appropriations Committee Substitute Adopted 3/22/94, Fourth Edition, submit the following report:

The House of Representatives and the Senate agree to the following amendment to the Senate Appropriations Committee Substitute Adopted 3/22/94, Fourth Edition, and the House concurs in the Senate Appropriations Committee Substitute Adopted 3/22/94, Fourth Edition:

Delete the entire Senate Appropriations Committee Substitute Adopted 3/22/94, Fourth Edition, and substitute the attached Proposed Conference Committee Substitute PCCS 5261.

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: March 25, 1994.

S/George B. Daniel, Chairman
S/Frank W. Ballance, Jr.
S/Betsy L. Cochrane
S/Roy A. Cooper, III
S/William N. Martin
S/T. L. Odom
S/Beverly M. Perdue
S/Aaron W. Plyler
S/Robert G. Shaw
S/R. C. Soles, Jr.
S/Fletcher L. Hartsell, Jr.
S/J. Richard Conder

*Conferees for the Senate*

S/Martin Nesbitt, CoChair
David Diamont, CoChair
S/Anne C. Barnes
S/Howard Hunter
S/B. Holt
S/James B. Black
S/Gene Rogers
S/Edd Nye
S/Ruth M. Easterling
S/H. M. Michaux, Jr.
S/David Redwine
S/Carolyn B. Russell
S/Joanne W. Bowie
S/Dub Dickson
S/Gene G. Arnold
S/R. J. Hensley, Jr.
S/Charlotte A. Gardner
S/Milton F. Fitch, Jr.

*Conferees for the House of Representatives*

The text of the attached Proposed Conference Committee Substitute PCCS 5261, which changes the title, is as follows:

A BILL TO BE ENTITLED AN ACT TO ESTABLISH CRIME PREVENTION AND ENHANCED PUNISHMENT INITIATIVES, AND TO AMEND THE LAW TO ENHANCE CRIME CONTROL.

The General Assembly of North Carolina enacts:

**PART 1. TITLE OF ACT**

Section 1. This act shall be known as the Crime Control Act of 1994.

**PART 2. BRUTAL RAPE SENTENCES**

Sec. 2. G.S. 14–27.2(b) reads as rewritten:

"(b) Any person who commits an offense defined in this section is guilty of a Class ~~B~~ B1 felony."

Sec. 3. G.S. 14–27.4(b) reads as rewritten:

"(b) Any person who commits an offense defined in this section is guilty of a Class ~~B~~ B1 felony."

Sec. 4. G.S. 14–17, as amended by Section 1127 of Chapter 539 of the 1993 Session Laws, reads as rewritten:

**"§ 14–17. Murder in the first and second degree defined; punishment.**

A murder which shall be perpetrated by means of poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life as the court shall determine pursuant to G.S. 15A–2000, except that any such person who was under 17 years of age at the time of the murder shall be punished with imprisonment in the State's prison for life. Provided, however, any person under the age of 17 who commits murder in the first degree while serving a prison sentence imposed for a prior murder or while on escape from a prison sentence imposed for a prior murder shall be punished with death or imprisonment in the State's prison for life as the court shall determine pursuant to G.S. 15A–2000. All other kinds of murder, including that which shall be proximately caused by the unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or preparation of opium, or cocaine or other substance described in G.S. 90–90(a)4., when the ingestion of such substance causes the death of the user, shall be deemed murder in the second degree, and any person who commits such murder shall be punished as a Class ~~B~~ B2 felon."

Sec. 5. G.S. 14–20, as amended by Section 1129 of Chapter 539 of the 1993 Session Laws, reads as rewritten:

**"§ 14–20. Killing adversary in duel; aiders and abettors declared accessories.**

If any person fight a duel in consequence of a challenge sent or received, and either of the parties shall be killed, then the survivor, on conviction thereof, shall be punished as a Class ~~B~~ B2 felon. All their aiders and abettors shall be considered accessories before the fact.

Any person charged with killing an adversary in a duel may enter a plea of guilty to said charge in the same way and manner and under the conditions and restrictions set forth in G.S. 15–162.1 relating to pleas of guilty for first degree murder, first degree burglary, arson and rape."

Sec. 6. G.S. 14–5.2 reads as rewritten:

**"§ 14–5.2. Accessory before fact punishable as principal felon.**

All distinctions between accessories before the fact and principals to the commission of a felony are abolished. Every person who heretofore would have been guilty as an accessory before the fact to any felony shall be guilty and punishable as a principal to that felony. However, if a person who heretofore would have been guilty and punishable as an accessory before the fact is convicted of a capital felony, and the jury finds that his conviction was based solely on the uncorroborated testimony of one or more principals, coconspirators, or accessories to the crime, he shall be guilty of a Class ~~B~~ B2 felony."

Sec. 7. G.S. 15A–1340.17, as enacted by Section 1 of Chapter 538 of the 1993 Session Laws and as amended by Sections 20 and 21 of Chapter 14 of the Session Laws of the 1994 Extra Session, reads as rewritten:

"**§ 15A–1340.17. Punishment limits for each class of offense and prior record level.**

(a) Offense Classification; Default Classifications. — The offense classification is as specified in the offense for which the sentence is being imposed. If the offense is a felony for which there is no classification, it is a Class I felony.

(b) Fines. — Any judgment that includes a sentence of imprisonment may also include a fine. If a community punishment is authorized, the judgment may consist of a fine only. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. Unless otherwise provided, the amount of the fine is in the discretion of the court.

(c) Punishments for Each Class of Offense and Prior Record Level; Punishment Chart Described. — The authorized punishment for each class of offense and prior record level is as specified in the chart below. Prior record levels are indicated by the Roman numerals placed horizontally on the top of the chart. Classes of offense are indicated by the letters placed vertically on the left side of the chart. Each cell on the chart contains the following components:

(1) A sentence disposition or dispositions: 'C' indicates that a community punishment is authorized; 'I' indicates that an intermediate punishment is authorized; ~~and~~ 'A' indicates that an active punishment is ~~authorized.~~ authorized; and 'Life Imprisonment Without Parole' indicates that the defendant shall be imprisoned for the remainder of the prisoner's natural life.

(2) A presumptive range of minimum durations, if the sentence of imprisonment is neither aggravated or mitigated; any minimum term of imprisonment in that range is permitted unless the court finds pursuant to G.S. 15A–1340.16 that an aggravated or mitigated sentence is appropriate. The presumptive range is the middle of the three ranges in the cell.

(3) A mitigated range of minimum durations if the court finds pursuant to G.S. 15A–1340.16 that a mitigated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the mitigated range is permitted. The mitigated range is the lower of the three ranges in the cell.

(4) An aggravated range of minimum durations if the court finds pursuant to G.S. 15A–1340.16 that an aggravated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the aggravated range is permitted. The aggravated range is the higher of the three ranges in the cell.

PRIOR RECORD LEVEL

| | I<br>0 Pts | II<br>1–4 Pts | III<br>5–8 Pts | IV<br>9–14 Pts | V<br>15–18 Pts | VI<br>19+ pts | |
|---|---|---|---|---|---|---|---|
| A | Life Imprisonment or Death as Established by Statute | | | | | | |
| | A<br>240–300 | A<br>288–360 | A<br>336–420 | A<br>384–480 | A<br>Life Imprisonment Without Parole | A | DISPOSITION<br>Aggravated |
| B1 | 192–240<br>144–192 | 230–288<br>173–230 | 269–336<br>202–269 | 307–384<br>230–307 | 346–433<br>260–346 | 384–480<br>288–384 | PRESUMPTIVE<br>Mitigated |
| | A<br>135–169 | A<br>163–204 | A<br>190–238 | A<br>216–270 | A<br>243–304 | A<br>270–338 | DISPOSITION<br>Aggravated |
| ~~B~~B2 | 108–135<br>81–108 | 130–163<br>98–130 | 152–190<br>114–152 | 173–216<br>130–173 | 194–243<br>146–194 | 216–270<br>162–216 | PRESUMPTIVE<br>Mitigated |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | A | A | A | A | A | A | DISPOSITION |
| | 63–79 | 86–108 | 100–125 | 115–144 | 130–162 | 145–181 | Aggravated |
| C | 50–63 | 69–86 | 80–100 | 92–115 | 104–130 | 116–145 | PRESUMPTIVE |
| | 38–50 | 52–69 | 60–80 | 69–92 | 78–104 | 87–116 | Mitigated |
| | A | A | A | A | A | A | DISPOSITION |
| | 55–69 | 66–82 | 89–111 | 101–126 | 115–144 | 126–158 | Aggravated |
| D | 44–55 | 53–66 | 71–89 | 81–101 | 92–115 | 101–126 | PRESUMPTIVE |
| | 33–44 | 40–53 | 53–71 | 61–81 | 69–92 | 76–101 | Mitigated |
| | I/A | I/A | A | A | A | A | DISPOSITION |
| | 25–31 | 29–36 | 34–42 | 46–58 | 53–66 | 59–74 | Aggravated |
| E | 20–25 | 23–29 | 27–34 | 37–46 | 42–53 | 47–59 | PRESUMPTIVE |
| | 15–20 | 17–23 | 20–27 | 28–37 | 32–42 | 35–47 | Mitigated |
| | I/A | I/A | I/A | A | A | A | DISPOSITION |
| | 16–20 | 19–24 | 21–26 | 25–31 | 34–42 | 39–49 | Aggravated |
| F | 13–16 | 15–19 | 17–21 | 20–25 | 27–34 | 31–39 | PRESUMPTIVE |
| | 10–13 | 11–15 | 13–17 | 15–20 | 20–27 | 23–31 | Mitigated |
| | I/A | I/A | I/A | I/A | A | A | DISPOSITION |
| | 13–16 | 15–19 | 16–20 | 20–25 | 21–26 | 29–36 | Aggravated |
| G | 10–13 | 12–15 | 13–16 | 16–20 | 17–21 | 23–29 | PRESUMPTIVE |
| | 8–10 | 9–12 | 10–13 | 12–16 | 13–17 | 17–23 | Mitigated |
| | C/I | I | I/A | I/A | I/A | A | DISPOSITION |
| | 6–8 | 8–10 | 10–12 | 11–14 | 15–19 | 20–25 | Aggravated |
| H | 5–6 | 6–8 | 8–10 | 9–11 | 12–15 | 16–20 | PRESUMPTIVE |
| | 4–5 | 4–6 | 6–8 | 7–9 | 9–12 | 12–16 | Mitigated |
| | C | C/I | I | I/A | I/A | I/A | DISPOSITION |
| | 6–8 | 6–8 | 6–8 | 8–10 | 9–11 | 10–12 | Aggravated |
| I | 4–6 | 4–6 | 5–6 | 6–8 | 7–9 | 8–10 | PRESUMPTIVE |
| | 3–4 | 3–4 | 4–5 | 4–6 | 5–7 | 6–8 | Mitigated |

(d) Maximum Sentences Specified for Class F through Class I Felonies. — Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class F through Class I felonies. The first figure in each cell in the table is the minimum term and the second is the maximum term.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 3–4 | 4–5 | 5–6 | 6–8 | 7–9 | 8–10 | 9–11 | 10–12 |
| 11–14 | 12–15 | 13–16 | 14–17 | 15–18 | 16–20 | 17–21 | 18–22 |
| 19–23 | 20–24 | 21–26 | 22–27 | 23–28 | 24–29 | 25–30 | 26–32 |
| 27–33 | 28–34 | 29–35 | 30–36 | 31–38 | 32–39 | 33–40 | 34–41 |
| 35–42 | 36–44 | 37–45 | 38–46 | 39–47 | 40–48 | 41–50 | 42–51 |
| 43–52 | 44–53 | 45–54 | 46–56 | 47–57 | 48–58 | 49–59 | |

(e) Maximum Sentences Specified for Class ~~B~~ B1 through Class E ~~Felonies.~~ Felonies for Minimum Terms up to 339 Months. — Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class ~~B~~ B1 through Class E felonies. The first figure in each cell of the table is the minimum term and the second is the maximum term.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 15–27 | 16–29 | 17–30 | 18–31 | 19–32 | 20–33 | 21–35 | 22–36 |
| 23–37 | 24–38 | 25–39 | 26–41 | 27–42 | 28–43 | 29–44 | 30–45 |
| 31–47 | 32–48 | 33–49 | 34–50 | 35–51 | 36–53 | 37–54 | 38–55 |
| 39–56 | 40–57 | 41–59 | 42–60 | 43–61 | 44–62 | 45–63 | 46–65 |
| 47–66 | 48–67 | 49–68 | 50–69 | 51–71 | 52–72 | 53–73 | 54–74 |
| 55–75 | 56–77 | 57–78 | 58–79 | 59–80 | 60–81 | 61–83 | 62–84 |
| 63–85 | 64–86 | 65–87 | 66–89 | 67–90 | 68–91 | 69–92 | 70–93 |
| 71–95 | 72–96 | 73–97 | 74–98 | 75–99 | 76–101 | 77–102 | 78–103 |
| 79–104 | 80–105 | 81–107 | 82–108 | 83–109 | 84–110 | 85–111 | 86–113 |
| 87–114 | 88–115 | 89–116 | 90–117 | 91–119 | 92–120 | 93–121 | 94–122 |
| 95–123 | 96–125 | 97–126 | 98–127 | 99–128 | 100–129 | 101–131 | 102–132 |
| 103–133 | 104–134 | 105–135 | 106–137 | 107–138 | 108–139 | 109–140 | 110–141 |
| 111–143 | 112–144 | 113–145 | 114–146 | 115–147 | 116–149 | 117–150 | 118–151 |
| 119–152 | 120–153 | 121–155 | 122–156 | 123–157 | 124–158 | 125–159 | 126–161 |
| 127–162 | 128–163 | 129–164 | 130–165 | 131–167 | 132–168 | 133–169 | 134–170 |
| 135–171 | 136–173 | 137–174 | 138–175 | 139–176 | 140–177 | 141–179 | 142–180 |
| 143–181 | 144–182 | 145–183 | 146–185 | 147–186 | 148–187 | 149–188 | 150–189 |
| 151–191 | 152–192 | 153–193 | 154–194 | 155–195 | 156–197 | 157–198 | 158–199 |
| 159–200 | 160–201 | 161–203 | 162–204 | 163–205 | 164–206 | 165–207 | 166–209 |
| 167–210 | 168–211 | 169–212 | 170–213 | 171–215 | 172–216 | 173–217 | 174–218 |
| 175–219 | 176–221 | 177–222 | 178–223 | 179–224 | 180–225 | 181–227 | 182–228 |
| 183–229 | 184–230 | 185–231 | 186–233 | 187–234 | 188–235 | 189–236 | 190–237 |
| 191–239 | 192–240 | 193–241 | 194–242 | 195–243 | 196–245 | 197–246 | 198–247 |
| 199–248 | 200–249 | 201–251 | 202–252 | 203–253 | 204–254 | 205–255 | 206–257 |
| 207–258 | 208–259 | 209–260 | 210–261 | 211–263 | 212–264 | 213–265 | 214–266 |
| 215–267 | 216–269 | 217–270 | 218–271 | 219–272 | 220–273 | 221–275 | 222–276 |
| 223–277 | 224–278 | 225–279 | 226–281 | 227–282 | 228–283 | 229–284 | 230–285 |
| 231–287 | 232–288 | 233–289 | 234–290 | 235–291 | 236–293 | 237–294 | 238–295 |
| 239–296 | 240–297 | 241–299 | 242–300 | 243–301 | 244–302 | 245–303 | 246–305 |
| 247–306 | 248–307 | 249–308 | 250–309 | 251–311 | 252–312 | 253–313 | 254–314 |
| 255–315 | 256–317 | 257–318 | 258–319 | 259–320 | 260–321 | 261–323 | 262–324 |
| 263–325 | 264–326 | 265–327 | 266–329 | 267–330 | 268–331 | 269–332 | 270–333 |
| 271–335 | 272–336 | 273–337 | 274–338 | 275–339 | 276–341 | 277–342 | 278–343 |
| 279–344 | 280–345 | 281–347 | 282–348 | 283–349 | 284–350 | 285–351 | 286–353 |
| 287–354 | 288–355 | 289–356 | 290–357 | 291–359 | 292–360 | 293–361 | 294–362 |
| 295–363 | 296–365 | 297–366 | 298–367 | 299–368 | 300–369 | 301–371 | 302–372 |
| 303–373 | 304–374 | 305–375 | 306–377 | 307–378 | 308–379 | 309–380 | 310–381 |
| 311–383 | 312–384 | 313–385 | 314–386 | 315–387 | 316–389 | 317–390 | 318–391 |
| 319–392 | 320–393 | 321–395 | 322–396 | 323–397 | 324–398 | 325–399 | 326–401 |
| 327–402 | 328–403 | 329–404 | 330–405 | 331–407 | 332–408 | 333–409 | 334–410 |
| 335–411 | 336–413 | 337–414 | 338–415 | 339–416 | | | |

(e1) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum Terms of 340 Months or More. — Unless provided otherwise in a statute establishing a punishment for a specific crime, when the minimum sentence is 340 months or more, the corresponding maximum term of imprisonment shall be equal to the sum of the minimum term of imprisonment and twenty percent (20%) of the minimum term of imprisonment, rounded to the next highest month, plus nine additional months."

Sec. 8. G.S. 15A–1368.1, as enacted by Section 20.1 of Chapter 538 of the 1993 Session Laws and as amended by Section 26 of Chapter 14 of the Session Laws of the 1994 Extra Session, reads as rewritten:

"**§ 15A–1368.1. Applicability of Article 84A.**

This Article applies to all felons in Class ~~B~~ B1 through Class E sentenced to an active punishment under Article 81B of this ~~Chapter.~~ Chapter, but does not apply to felons in Class B1 sentenced to life imprisonment without parole. Prisoners subject to Articles 85 and 85A of this Chapter are excluded from this Article's coverage."

Sec. 9. G.S. 15A–1340.13(h), as enacted by Section 1 of Chapter 538 of the 1993 Session Laws and as amended by Section 19 of Chapter 14 of the Session Laws of the 1994 Extra Session, reads as rewritten:

"(h) Exceptions When Extraordinary Mitigation Shall Not Be Used. — The court shall not impose an intermediate sanction pursuant to subsection (g) of this section if:

(1) The offense is a Class A or Class B1 felony;
(2) The offense is a drug trafficking offense under G.S. 90–95(h); or
(3) The defendant has five or more points as determined by G.S. 15A–1340.14."

Sec. 10. G.S. 15A–1340.14(b), as enacted by Section 1 of Chapter 538 of the 1993 Session Laws, reads as rewritten:

"(b) Points. — Points are assigned as follows:

(1) For each prior felony Class A conviction, 10 points.
(1a) For each prior felony Class B1 conviction, 9 points.
(2) For each prior felony Class ~~B~~, B2, C, or D conviction, 6 points.
(3) For each prior felony Class E, F, or G conviction, 4 points.
(4) For each prior felony Class H or I conviction, 2 points.
(5) For each prior Class 1 misdemeanor conviction, 1 ~~point.~~ point, except that convictions for Class 1 misdemeanor offenses under Chapter 20 of the General Statutes, other than conviction for misdemeanor death by vehicle (G.S. 20–141.4(a2)), shall not be assigned any points for purposes of determining a person's prior record for felony sentencing.
(6) If all the elements of the present offense are included in the prior offense, 1 point.
(7) If the offense was committed while the offender was on probation or parole, or while the offender was serving a sentence of imprisonment, or while the offender was on escape from a correctional institution while serving a sentence of imprisonment, 1 point.

For purposes of determining prior record points under this subsection, a conviction for a first degree rape or a first degree sexual offense committed prior to the effective date of this subsection shall be treated as a felony Class B1 conviction, and a conviction for any other felony Class B offense committed prior to the effective date of this subsection shall be treated as a felony Class B2 conviction."

Sec. 11. G.S. 14–2.5, as enacted by Section 6 of Chapter 538 of the 1993 Session Laws, reads as rewritten:

"**§ 14–2.5. Punishment for attempt to commit a felony or misdemeanor.**

Unless a different classification is expressly stated, an attempt to commit a misdemeanor or a felony is punishable under the next lower classification as the offense which the offender attempted to commit. An attempt to commit a Class A or Class B1 felony is a Class B2 felony, an attempt to commit a Class B2 felony is a Class C felony, an attempt to commit a Class I felony is a Class 1 misdemeanor, and an attempt to commit a Class 3 misdemeanor is a Class 3 misdemeanor."

Sec. 12. G.S. 14–2.4(a), as amended by Section 5 of Chapter 538 of the 1993 Session Laws, reads as rewritten:

"(a) Unless a different classification is expressly stated, a person who is convicted of a conspiracy to commit a felony is guilty of a felony that is one class lower than the felony he or she conspired to commit, except that a conspiracy to commit a Class A or

Class B1 felony is a Class B2 felony, a conspiracy to commit a Class B2 felony is a Class C felony, and a conspiracy to commit a Class I felony is a Class 1 misdemeanor."

Sec. 13. G.S. 14–2.6(a), as enacted by Section 6.1 of Chapter 538 of the 1993 Session Laws, reads as rewritten:

"(a) Unless a different classification is expressly stated, a person who solicits another person to commit a felony is guilty of a felony that is two classes lower than the felony the person solicited the other person to commit, except that a solicitation to commit a Class A or Class B1 felony is a Class C felony, a solicitation to commit a Class B2 felony is a Class D felony, a solicitation to commit a Class H felony is a Class 1 misdemeanor, and a solicitation to commit a Class I felony is a Class 2 misdemeanor."

Sec. 14. This Part becomes effective on the same date that Chapter 538 of the 1993 Session Laws becomes effective. This Part applies to offenses occurring on or after the effective date of this Part. Prosecutions for offenses committed before the effective date of this Part are not abated or affected by this Part, and the statutes that would be applicable but for this Part remain applicable to those prosecutions.

## PART 3. MODIFY HABITUAL FELON LAW

Sec. 15. G.S. 14–7.6 reads as rewritten:

"**§ 14–7.6. Sentencing of habitual felons.**

0When an habitual felon as defined in this Article ~~shall commit~~ commits any felony under the laws of the State of North Carolina, ~~he~~ the felon must, upon conviction or plea of guilty under indictment as ~~herein provided~~ provided in this Article (except where the death penalty or a sentence of life imprisonment is imposed) be sentenced as a Class C felon. In determining the prior record level, convictions used to establish a person's status as an habitual felon shall not be used. ~~Notwithstanding any other provision of law, a person sentenced under this Article shall serve a term of not less than seven years in prison, excluding gain time granted under G.S. 148–13. A person sentenced under this Article shall receive a sentence of at least 14 years in the State's prison and shall be entitled to credit for good behavior under G.S. 15A–1340.7. The sentencing judge may not suspend the sentence and may not place the person sentenced on probation.~~ Sentences imposed under this Article shall run consecutively with and shall commence at the expiration of any sentence being served by the person sentenced ~~hereunder.~~ under this section."

Sec. 16. Section 9 of Chapter 538 of the 1993 Session Laws is repealed.

Sec. 17. This Part becomes effective on the same date that Chapter 538 of the 1993 Session Laws becomes effective, and applies to offenses committed on or after that date. Prosecutions for, or sentences based on, offenses committed before the effective date of this Part are not abated or affected by this Part, and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this Part remain applicable to those prosecutions or sentences.

## PART 4. INCREASE FIREARM PENALTY

Sec. 18. G.S. 14–2.2 reads as rewritten:

"**§ 14–2.2. ~~Sentencing of person convicted of repeated felony using deadly weapon.~~**

~~Notwithstanding any other provision of law, any person who has been previously convicted in the courts of this State within seven years of a felony in which a deadly weapon was used, provided that the previous felony did not occur within 10 days of the second or subsequent felony, in which a deadly weapon was used, shall serve a term for the second or subsequent felony of not less than seven years in prison, excluding gain time granted under G.S. 148–13. Any person sentenced under this section shall receive a sentence of at least 14 years in the State's prison and shall be entitled to credit for good behavior under G.S. 15A–1340.7. The sentencing judge may not sentence a person sentenced under this section as a committed youthful offender and may not suspend the sentence and place the person sentenced on probation. Sentences imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any sentence being served by the person sentenced hereunder.~~

~~For the purpose of this section, the record or records of the prior felony conviction shall be admissible in evidence after conviction and before sentencing, but only for the purpose of proving that the person has been convicted of a previous felony. A judgment of a conviction or plea of guilty or no contest to such felony offense certified to a superior court in this State from the custodian of records of any other court of this State under the same name as that by which the defendant is charged shall be prima facie evidence that the identity of such person is the same as the defendant so charged and shall be prima facie evidence of the facts so certified.~~

~~For the purposes of this section, a felony committed before a person attains the age of 18 years does not constitute a previous felony conviction.~~

~~Pleas of guilty or no contest to or convictions of felony offenses prior to September 1, 1977, are not felony offenses within the meaning of this section. Any felony offense to which a pardon has been extended does not for the purpose of this section constitute a felony. The burden of proving a pardon rests with the defendant and the State is not required to disprove a pardon.~~

**Sentencing of a person convicted of a Class A, B, B1, B2, C, D, or E felony who used, displayed, or threatened to use or display a firearm during the commission of the crime; confiscation and disposition of a firearm used in a felony.**

(a) If a person is convicted of a Class A, B, B1, B2, C, D, or E felony and the person used, displayed, or threatened to use or display a firearm during the commission of the felony, the person shall, in addition to the punishment for the underlying felony, be sentenced to imprisonment for five years.

The court shall not sentence a person sentenced under this section as a committed youthful offender. The court shall not suspend any sentence imposed under this section and shall not place a person sentenced under this section on probation for the sentence imposed under this section. Sentences imposed pursuant to this section shall be consecutive to all other sentences imposed and shall begin at the expiration of any other sentence being served by the person.

(b) Subsection (a) of this section does not apply in any of the following circumstances:

(1) The person is not sentenced to an active term of imprisonment.

(2) The evidence of the use, display, or threatened use or display of a firearm is needed to prove an element of the underlying Class A, B, B1, B2, C, D, or E felony.

(3) The person did not actually possess a firearm about his or her person.

(c) When a person is found to have personally used a firearm in the commission or attempted commission of a felony and the firearm is owned by that person, or the serial number on the firearm has been defaced such that ownership is not traceable, the court shall order that the firearm be confiscated and disposed of in any of the ways provided by G.S. 14-269.1 that the court in its discretion deems appropriate.

(d) Subsection (a) of this section does not apply to the following felonies:

(1) G.S. 14-49(b). Malicious use of explosive or incendiary.

(2) G.S. 14-59. Burning of certain public buildings.

(3) G.S. 14-60. Burning of schoolhouses or buildings of educational institutions.

(4) G.S. 14-61. Burning of certain bridges and buildings.

(5) G.S. 14-62. Burning of churches and certain other buildings.

(6) G.S. 14-62.1. Burning of building or structure in process of construction.

(7) G.S. 53-129. Misapplication of bank funds by officer or employee."

Sec. 19. (a) G.S. 14-2.2(a), as amended by Section 18 of this act, reads as rewritten:

"(a) If a person is convicted of a Class A, B, B1, B2, C, D, or E felony and the person used, displayed, or threatened to use or display a firearm during the commission of the felony, the person shall, in addition to the punishment for the underlying felony, be sentenced to ~~imprisonment for five years.~~ a minimum term of imprisonment for 60 months as provided by G.S. 15A-1340.16A. Evidence of the use, display, or threatened use or display of a firearm that is needed to prove an element of the underlying felony shall not be used to establish the enhancement under this section.

~~The court shall not sentence a person sentenced under this section as a committed youthful offender.~~ The court shall not suspend any sentence imposed under this section and shall not place a person sentenced under this section on probation for the sentence imposed under this section. Sentences imposed pursuant to this section shall be consecutive to all other sentences imposed and shall begin at the expiration of any other sentence being served by the person."

(b) G.S. 14–2.2(d), as amended by Section 18 of this act, is repealed.

(c) Section 4 of Chapter 538 of the 1993 Session Laws is repealed.

Sec. 20. Part 2 of Article 81B of Chapter 15A of the General Statutes is amended by adding a new section to read:

"**§ 15A–1340.16A. Enhanced sentence if defendant is convicted of a Class A, B1, B2, C, D, or E felony and the defendant used, displayed, or threatened to use or display a firearm during the commission of the felony.**

(a) If a person is convicted of a Class A, B1, B2, C, D, or E felony and the court finds that the person used, displayed, or threatened to use or display a firearm at the time of the felony, the court shall increase the minimum term of imprisonment to which the person is sentenced by 60 months. The court shall not suspend the 60–month minimum term of imprisonment imposed as an enhanced sentence under this section and shall not place any person sentenced under this section on probation for the enhanced sentence.

(b) Subsection (a) of this section does not apply in any of the following circumstances:

(1) The person is not sentenced to an active term of imprisonment.

(2) The evidence of the use, display, or threatened use or display of a firearm is needed to prove an element of the underlying Class A, B1, B2, C, D, or E felony.

(3) The person did not actually possess a firearm about his or her person."

Sec. 21. G.S. 15A–1340.4(a)(1) reads as rewritten:

"(1) Aggravating factors:

a. The defendant induced others to participate in the commission of the offense or occupied a position of leadership or dominance of other participants.

b. The offense was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.

c. The defendant was hired or paid to commit the offense.

d. The offense was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.

e. The offense was committed against a present or former: law enforcement officer, employee of the Department of Correction, jailer, fireman, emergency medical technician, ambulance attendant, justice or judge, clerk or assistant or deputy clerk of court, magistrate, prosecutor, juror, or witness against the defendant, while engaged in the performance of his official duties or because of the exercise of his official duties.

f. The offense was especially heinous, atrocious, or cruel.

g. The defendant knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person.

h. The defendant held public office at the time of the offense and the offense related to the conduct of the office.

i. The defendant was armed with or used a deadly weapon at the time of the crime.

j. The victim was very young, or very old, or mentally or physically infirm.

k. The defendant committed the offense while on pretrial release on another felony charge.

l. The defendant involved a person under the age of 16 in the commission of the crime.

m. The offense involved an attempted or actual taking of property of great monetary value or damage causing great monetary loss, or the offense involved an unusually large quantity of contraband.

n. The defendant took advantage of a position of trust or confidence to commit the offense.

o. The defendant has a prior conviction or convictions for criminal offenses punishable by more than 60 days' confinement. Such convictions include those occurring in North Carolina courts and courts of other states, the District of Columbia, and the United States, provided that any crime for which the defendant was convicted in a jurisdiction other than North Carolina would have been a crime if committed in this State. Such prior convictions do not include any crime that is joinable, under G.S. Chapter 15A, with the crime or crimes for which the defendant is currently being sentenced.

p. The offense involved the sale or delivery of a controlled substance to a minor.

q. The offense was committed because of the race, color, religion, nationality, or country of origin of another person.

r. The offense for which the defendant stands convicted was committed against a victim because of the victim's race, color, religion, nationality, or country of origin.

Evidence necessary to prove an element of the offense may not be used to prove any factor in aggravation, and the same item of evidence may not be used to prove more than one factor in aggravation. Evidence necessary to establish that an enhanced sentence is required under G.S. 14–2.2 may not be used to prove any factor in aggravation.

The judge may not consider as an aggravating factor the fact that the defendant exercised his right to a jury trial."

Sec. 22. G.S. 15A–1340.16(d) reads as rewritten:

"(d) Aggravating Factors. — The following are aggravating factors:

(1) The defendant induced others to participate in the commission of the offense or occupied a position of leadership or dominance of other participants.

(2) The defendant joined with more than one other person in committing the offense and was not charged with committing a conspiracy.

(3) The offense was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.

(4) The defendant was hired or paid to commit the offense.

(5) The offense was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.

(6) The offense was committed against a present or former: law enforcement officer, employee of the Department of Correction, jailer, fireman, emergency medical technician, ambulance attendant, justice or judge, clerk or assistant or deputy clerk of court, magistrate, prosecutor, juror, or witness against the defendant, while engaged in the performance of that person's official duties or because of the exercise of that person's official duties.

(7) The offense was especially heinous, atrocious, or cruel.

(8) The defendant knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person.

(9) The defendant held public office at the time of the offense and the offense related to the conduct of the office.

(10) The defendant was armed with or used a deadly weapon at the time of the crime.

(11) The victim was very young, or very old, or mentally or physically infirm, or handicapped.

(12) The defendant committed the offense while on pretrial release on another charge.
(13) The defendant involved a person under the age of 16 in the commission of the crime.
(14) The offense involved an attempted or actual taking of property of great monetary value or damage causing great monetary loss, or the offense involved an unusually large quantity of contraband.
(15) The defendant took advantage of a position of trust or confidence to commit the offense.
(16) The offense involved the sale or delivery of a controlled substance to a minor.
(17) The offense for which the defendant stands convicted was committed against a victim because of the victim's race, color, religion, nationality, or country of origin.
(18) The defendant does not support the defendant's family.
(19) The serious injury inflicted upon the victim is permanent and debilitating.
(20) Any other aggravating factor reasonably related to the purposes of sentencing.

Evidence necessary to prove an element of the offense shall not be used to prove any factor in aggravation, and the same item of evidence shall not be used to prove more than one factor in aggravation. Evidence necessary to establish that an enhanced sentence is required under G.S. 14–2.2 may not be used to prove any factor in aggravation.

The judge shall not consider as an aggravating factor the fact that the defendant exercised the right to a jury trial."

Sec. 23. G.S. 14–269.1 reads as rewritten:

"**§ 14–269.1. Confiscation and disposition of deadly weapons.**

Upon conviction of any person for violation of G.S. 14–2.2, 14–269, ~~G.S.~~ 14–269.7, or any other offense involving the use of a deadly weapon of a type referred to in G.S. 14–269, the deadly weapon with reference to which the defendant shall have been convicted shall be ordered confiscated and disposed of by the presiding judge at the trial in one of the following ways in the discretion of the presiding judge.

(1) By ordering the weapon returned to its rightful owner, but only when such owner is a person other than the defendant and has filed a petition for the recovery of such weapon with the presiding judge at the time of the defendant's conviction, and upon a finding by the presiding judge that petitioner is entitled to possession of same and that he was unlawfully deprived of the same without his consent.
(2) By ordering the weapon turned over to a law–enforcement agency in the county of trial for the official use of such agency, but only upon the written request by the head or chief of such agency. The clerk of the superior court of such county shall maintain a record of such weapons and the law–enforcement agency receiving them.
(3) By ordering the weapon turned over to the sheriff of the county in which the trial is held to be sold as herein provided. Under the direction of the sheriff, the weapon shall be sold at public auction after one advertisement in a newspaper having general circulation in the county which advertisement shall be at least seven days prior to sale. The proceeds of such sale shall go to the general fund of the county in which such weapons are sold. The sheriff shall maintain a record and inventory of all such weapons received and sold by him. Sales of such weapons by the sheriff shall be held at least once each year.
(4) By ordering such weapon turned over to the sheriff of the county in which the trial is held or his duly authorized agent to be destroyed. The sheriff shall maintain a record of the destruction thereof.
(5) By ordering such weapon turned over to the North Carolina State Bureau of Investigation's Crime Laboratory Weapons Reference Library for

official use by that agency. The State Bureau of Investigation shall maintain a record and inventory of all such weapons received.

(6) By ordering such weapons turned over to the North Carolina Justice Academy for official use by that agency. The North Carolina Justice Academy shall maintain a record and inventory of all such weapons received."

Sec. 24. Sections 18, 21, and 23 of this act become effective May 1, 1994, and apply to offenses committed on or after that date. The remainder of this Part becomes effective on the date that Section 56 of Chapter 538 of the 1993 Session Laws provides that that act becomes effective, and applies to offenses committed on or after that date. Prosecutions for, or sentences based on, offenses committed before the effective dates of this Part are not abated or affected by this Part, and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this Part remain applicable to those prosecutions or sentences.

**PART 5. TRANSFER JUVENILES 13 YEARS OF AGE**

Sec. 25. G.S. 7A–608 reads as rewritten:

"**§ 7A–608. Transfer of jurisdiction of juvenile to superior court.**

The court after notice, hearing, and a finding of probable cause may transfer jurisdiction over a juvenile ~~14 years of age or older~~ to superior court if the juvenile was ~~14~~ 13 years of age or older at the time ~~he~~ the juvenile allegedly committed an offense ~~which~~ that would be a felony if committed by an adult. If the alleged felony constitutes a Class A felony and the ~~judge~~ court finds probable cause, the ~~judge~~ court shall transfer the case to the superior court for trial as in the case of adults."

Sec. 26. G.S. 7A–609(a) reads as rewritten:

"(a) The ~~judge~~ court shall conduct a hearing to determine probable cause in all felony cases in which a juvenile was ~~14~~ 13 years of age or older when the offense was allegedly ~~committed~~ committed, ~~unless counsel~~ Counsel for the juvenile ~~waives~~ may waive in writing ~~his~~ the right to the hearing and ~~stipulates~~ stipulate to a finding of probable cause. The ~~judge~~ court may exclude the public from the hearing unless the juvenile moves that the hearing be open, which motion shall be granted."

Sec. 27. G.S. 7A–610(a) reads as rewritten:

"(a) If probable cause is ~~found,~~ found and transfer to superior court is not required by G.S. 7A–608, the prosecutor or the juvenile may move that the case be transferred to the superior court for trial as in the case of adults. ~~If the alleged felony does not constitute a capital offense, the~~ The judge may proceed to determine whether the needs of the juvenile or the best interest of the State will be served by transfer of the case to superior court for trial as in the case of adults. When the case is transferred to superior court, the superior court has jurisdiction over that felony, any offense based on the same act or transaction or on a series of acts or transactions connected together or constituting parts of a single scheme or plan of that felony, and any greater or lesser included offense of that felony."

Sec. 28. G.S. 7A–601 reads as rewritten:

"**§ 7A–601. Destruction of records resulting from nontestimonial identification procedures.**

The results of any nontestimonial identification procedures shall be retained or disposed of as follows:

(1) If a petition is not filed against a juvenile who has been the subject of nontestimonial identification procedures, all records of ~~such~~ the evidence shall be destroyed.

(2) If in the district court or superior court pursuant to a transfer a juvenile is found not guilty, all records resulting from a nontestimonial order shall be destroyed. Further, in the case of a juvenile who is under ~~14~~ 13 years of age and who is adjudicated to have committed a delinquent act, which would be less than a felony had the juvenile been an adult, all records shall be destroyed.

(3) If a juvenile ~~14~~ 13 years of age or older is found to have committed a delinquent act ~~which~~ that would be a felony if committed by an adult, all records resulting from a nontestimonial order may be retained in the court file. Special precautions shall be taken to ensure that these records will be maintained in such a manner and under such safeguards as to limit their use to inspection for comparison purposes by law–enforcement officers only in the investigation of a crime.

(4) If the juvenile is transferred to superior court, all records resulting from nontestimonial identification procedures shall be processed as in the case of an adult.

(5) Any evidence seized pursuant to a nontestimonial order shall be retained by law–enforcement officers until further order is entered by the court.

(6) Destruction of nontestimonial identification records pursuant to this section shall be performed by the law–enforcement agency having possession of such records. Following destruction, the law–enforcement agency shall make written certification to the court of ~~such~~ the destruction."

Sec. 29. The Juvenile Code Committee of the Legislative Research Commission is authorized to study the issue of whether district courts should be mandated to transfer jurisdiction of juveniles who have committed certain serious or violent felony offenses to superior court for trial as in the case of adults upon a finding of probable cause. The Committee may also study the issue of the proper age of juveniles mandatorily transferred to superior court for trial as in the case of adults. The Committee may submit an interim report of its findings and recommendations to the 1994 Regular Session of the 1993 General Assembly and shall submit a final report to the 1995 General Assembly.

Sec. 30. Sections 25 through 28 of this act become effective May 1, 1994, and apply to offenses committed on or after that date. The remainder of this Part is effective upon ratification.

**PART 6. THREE STRIKES YOU'RE IN**

Sec. 31. Chapter 14 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 2B.

"Violent Habitual Felons.

**"§ 14–7.7. Persons defined as violent habitual felons.**

(a) Any person who has been convicted of two violent felonies in any federal court, in a court of this or any other state of the United States, or in a combination of these courts is declared to be a violent habitual felon. For purposes of this Article, 'convicted' means the person has been adjudged guilty of or has entered a plea of guilty or no contest to the violent felony charge, and judgment has been entered thereon when such action occurred on or after July 6, 1967. This Article does not apply to a second violent felony unless it is committed after the conviction or plea of guilty or no contest to the first violent felony. Any felony to which a pardon has been extended shall not, for the purposes of this Article, constitute a felony. The burden of proving a pardon shall rest with the defendant, and this State shall not be required to disprove a pardon. Conviction as an habitual felon shall not, for purposes of this Article, constitute a violent felony.

(b) For purposes of this Article, 'violent felony' includes the following offenses:

(1) a. Murder in the first and second degrees, G.S. 14–17.

b. Voluntary manslaughter, G.S. 14–18.

c. Killing an adversary in a duel, G.S. 14–30.

d. First degree rape, G.S. 14–27.2.

e. Second degree rape, G.S. 14–27.3.

f. First degree sexual offense, G.S. 14–27.4.

g. Second degree sexual offense, G.S. 14–27.5.

h. Intercourse and sexual offense by a parent or custodian, G.S. 14–27.7.

i. Malicious castration, G.S. 14–28.

j. Castration or maiming without malice aforethought, G.S. 14–29.

k. Malicious maiming, G.S. 14–30.

l. Malicious throwing of acid or alkali, G.S. 14–30.1.
m. Malicious assaulting in a secret manner, G.S. 14–31.
n. Any felony assault set forth in G.S. 14–32.
o. Felony assault on a handicapped person, G.S. 14–32.
p. Patient abuse and neglect, negligent or intentional, G.S. 14–32.2.
q. Discharging firearm in occupied property, G.S. 14–34.1.
r. Adulterated or misbranded foods or drugs, G.S. 14–34.4.
s. Kidnapping in the first or second degree, G.S. 14–39.
t. Malicious use of explosive or incendiary devices, G.S. 14–49.
u. Malicious damage of occupied property by the use of explosive, G.S. 14–49.1.
v. Burglary in the first or second degree, G.S. 14–51.
w. Breaking out of a dwelling house, G.S. 14–53.
x. Burglary with explosives, G.S. 14–57.
y. Arson in the first or second degree, G.S. 14–58.
z. Burning of a mobile home, manufactured housing, or recreational trailer, G.S. 14–58.2.
aa. Burning of public building, G.S. 14–59.
bb. Burning of a schoolhouse or building of an educational institution, G.S. 14–60.
cc. Burning of bridges and buildings, G.S. 14–61.
dd. Burning of churches and other buildings, G.S. 14–62.
ee. Burning of building or structure in the process of construction, G.S. 14–62.1.
gg. Robbery with a firearm or dangerous weapon, G.S. 14–87.
hh. Train robbery, G.S. 14–88.
ii. Contaminating a public water supply, G.S. 14–159.1.
jj. Felonious child abuse, G.S. 14–318.4.
kk. First degree sexual exploitation of a minor, G.S. 14–190.16.
ll. Distribution of adulterated food, G.S. 14–401.11.
mm. Manufacture, sale, or delivery or possess with intent to manufacture, sell, or deliver a controlled substance within 300 feet of a school, G.S. 90–95(e)(8).
nn. Selling and delivery of controlled substance by a person 18 or over to a person under 16, G.S. 90–95.
oo. Discharge of oil or hazardous substance placing another in danger of death or serious bodily injury, G.S. 143–225.88(b).

(2) Any repealed or superseded offense substantially equivalent to the offenses listed in subdivision (1).

(3) Any offense committed in another jurisdiction substantially equivalent to the offenses set forth in subdivision (1) or (2).

"**§ 14–7.8. Punishment.**

When a person is charged by indictment with the commission of a violent felony and is also charged with being a violent habitual felon as defined in G.S. 14–7.7, the person must, upon conviction, be sentenced in accordance with this Article, except in those cases where the death penalty is imposed.

"**§ 14–7.9. Charge of violent habitual felon.**

An indictment that charges a person who is a violent habitual felon within the meaning of G.S. 14–7.7 with the commission of any violent felony must, in order to sustain a conviction of violent habitual felon, also charge that the person is a violent habitual felon. The indictment charging the defendant as a violent habitual felon shall be separate from the indictment charging the defendant with the principal violent felony. An indictment that charges a person with being a violent habitual felon must set forth the date that prior violent felonies were committed, the name of the state or other sovereign against whom the violent felonies were committed, the dates of convictions of the violent felonies, and the identity of the court in which the convictions took

place. A defendant charged with being a violent habitual felon in a bill of indictment shall not be required to go to trial on that charge within 20 days after the finding of a true bill by the grand jury unless the defendant waives this 20–day period.

"**§ 14–7.10. Evidence of prior convictions of violent felonies.**

In all cases where a person is charged under this Article with being a violent habitual felon, the records of prior convictions of violent felonies shall be admissible in evidence, but only for the purpose of proving that the person has been convicted of former violent felonies. A prior conviction may be proved by stipulation of the parties or by the original or a certified copy of the court record of the prior conviction. The original or certified copy of the court record, bearing the same name as that by which the defendant is charged, shall be **prima facie** evidence that the defendant named therein is the same as the defendant before the court, and shall be **prima facie** evidence of the facts set out therein.

"**§ 14–7.11. Verdict and judgment.**

When an indictment charges a violent habitual felon with a violent felony as provided in this Article and an indictment also charges that the person is a violent habitual felon as provided in this Article, the defendant shall be tried for the principal violent felony as provided by law. The indictment that the person is a violent habitual felon shall not be revealed to the jury unless the jury finds that the defendant is guilty of the principal violent felony or another violent felony with which the defendant is charged. If the jury finds the defendant guilty of a violent felony, the bill of indictment charging the defendant as a violent habitual felon may be presented to the same jury. Except that the same jury may be used, the proceedings shall be as if the issue of violent habitual felon were a principal charge. If the jury finds that the defendant is a violent habitual felon, the trial judge shall enter judgment according to the provisions of this Article. If the jury finds that the defendant is not a violent habitual felon, the trial judge shall pronounce judgment on the principal violent felony or felonies as provided by law.

"**§ 14–7.12. Sentencing of violent habitual felons.**

A person who is convicted of a violent felony and of being a violent habitual felon must, upon conviction (except where the death penalty is imposed), be sentenced to life imprisonment without parole. Life imprisonment without parole means that the person will spend the remainder of the person's natural life in prison. The sentencing judge may not suspend the sentence and may not place the person sentenced on probation. Sentences for violent habitual felons imposed under this Article shall run consecutively with and shall commence at the expiration of any other sentence being served by the person."

Sec. 32. Effective on the date Chapter 538 of the 1993 Session Laws becomes effective, G.S. 14–7.7(b), as enacted by Section 31 of this act, reads as rewritten:

"~~(b) For purposes of this Article, 'violent felony' includes the following offenses:~~

~~(1) a. Murder in the first and second degrees, G.S. 14–17.~~

~~b Voluntary manslaughter, G.S. 14–18.~~

~~c. Killing an adversary in a duel, G.S. 14–30.~~

~~d. First degree rape, G.S. 14–27.2.~~

~~e. Second degree rape, G.S. 14–27.3.~~

~~f. First degree sexual offense, G.S. 14–27.4.~~

~~g. Second degree sexual offense, G.S. 14–27.5.~~

~~h. Intercourse and sexual offense by a parent or custodian, G.S. 14–27.7.~~

~~i. Malicious castration, G.S. 14–28.~~

~~j. Castration or maiming without malice aforethought, G.S. 14–29.~~

~~k. Malicious maiming, G.S. 14–30.~~

~~l. Malicious throwing of acid or alkali, G.S. 14–30.1.~~

~~m. Malicious assaulting in a secret manner, G.S. 14–31.~~

~~n. Any felony assault set forth in G.S. 14–32.~~

~~o. Felony assault on a handicapped person, G.S. 14–32.~~

~~p. Patient abuse and neglect, negligent or intentional, G.S. 14–32.2.~~

~~q. Discharging firearm in occupied property, G.S. 14–34.1.~~

~~r. Adulterated or misbranded foods or drugs, G.S. 14–34.4.~~

~~s. Kidnapping in the first or second degree, G.S. 14-39.~~
~~t. Malicious use of explosive or incendiary devices, G.S. 14-49.~~
~~u. Malicious damage of occupied property by the use of explosive, G.S. 14-49.1.~~
~~v. Burglary in the first or second degree, G.S. 14-51.~~
~~w. Breaking out of a dwelling house, G.S. 14-53.~~
~~x. Burglary with explosives, G.S. 14-57.~~
~~y. Arson in the first or second degree, G.S. 14-58.~~
~~z. Burning of a mobile home, manufactured housing, or recreational trailer, G.S. 14-58.2.~~
~~aa. Burning of public building, G.S. 14-59.~~
~~bb. Burning of a schoolhouse or building of an educational institution, G.S. 14-60.~~
~~cc. Burning of bridges and buildings, G.S. 14-61.~~
~~dd. Burning of churches and other buildings, G.S. 14-62.~~
~~ee. Burning of building or structure in the process of construction, G.S. 14-62.1.~~
~~gg. Robbery with a firearm or dangerous weapon, G.S. 14-87.~~
~~hh. Train robbery, G.S. 14-88.~~
~~ii. Contaminating a public water supply, G.S. 14-159.1.~~
~~jj. Felonious child abuse, G.S. 14-318.4.~~
~~kk. First degree sexual exploitation of a minor, G.S. 14-190.16.~~
~~ll. Distribution of adulterated food G.S. 14-401.11.~~
~~mm. Manufacture, sale, or delivery or possess with intent to manufacture, sale, or deliver a controlled substance within 300 feet of a school, G.S. 90-90.~~
~~nn. Selling and delivery of controlled substance by a person 18 or over to a person under 16, G.S. 90-95.~~
~~oo. Discharge of oil or hazardous substance placing another in danger of death or serious bodily injury, G.S. 143-225.88(b).~~

~~(2) Any repealed or superseded offense substantially equivalent to the offenses listed in subdivision (1).~~

~~(3) Any offense committed in another jurisdiction substantially equivalent to the offenses set forth in subdivision (1) or (2).~~

(b) For purposes of this Article, 'violent felony' includes the following offenses:

(1) All Class A through E felonies.

(2) Any repealed or superseded offense substantially equivalent to the offenses listed in subdivision (1).

(3) Any offense committed in another jurisdiction substantially equivalent to the offenses set forth in subdivision (1) or (2)."

Sec. 33. G.S. 15A-1370.1 reads as rewritten:

"**§ 15A-1370.1. Applicability of Article 85.**

This Article ~~is applicable~~ applies to all sentenced prisoners, including Class A and Class B felons, and Class C felons who receive a sentence of life imprisonment, who are not subject to Article 85A of this ~~Chapter.~~ Chapter, but shall not apply to prisoners who receive life imprisonment without parole. A person serving a sentence of life imprisonment without parole shall not be eligible for parole at any time."

Sec. 34. G.S. 15A-1370.1, as amended by Section 21 of Chapter 538 of the 1993 Session Laws, reads as rewritten:

"**§ 15A-1370.1. Applicability of Article 85.**

This Article is applicable to all prisoners serving sentences of imprisonment for convictions of impaired driving under G.S. 20-138.1 and prisoners serving sentences of life imprisonment. This Article does not apply to a person serving a sentence of life imprisonment without parole. A person serving a sentence of life imprisonment without parole shall not be eligible for parole at any time."

Sec. 35. G.S. 15A–1340.10, as amended by Section 1 of Chapter 538 of the 1993 Session Laws, reads as rewritten:

"**§ 15A–1340.10. Applicability of structured sentencing.**

This Article applies to criminal offenses in North Carolina, other than impaired driving under G.S. 20–138.1 that occur on or after January 1, 1995. This Article does not apply to violent habitual felons sentenced under Article 2B of Chapter 14 of the General Statutes."

Sec. 36. Effective May 1, 1994, Section 8 of Chapter 21 of the Session Laws of the Extra Session of 1994 reads as rewritten:

"Sec. 8. This act becomes effective on the same date that Chapter 538 of the 1993 Session Laws becomes effective, and applies to offenses occurring on or after that ~~date.~~ date except that Section 7 of this act becomes effective May 1, 1994, with respect to offenses committed on or after May 1, 1994, that are punishable under Article 2B of Chapter 14 of the General Statutes. Prosecution for, or sentences based on, offenses occurring before the effective date of this act are not abated or affected by the repeal, expiration, or amendment in this act of any statute, and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Sec. 37. Sections 31, 36, and 37 of this act become effective May 1, 1994. Section 33 of this act becomes effective May 1, 1994, and expires on the date that Chapter 538 of the 1993 Session Laws becomes effective, but prosecution for, or sentences based on, offenses occurring before that date are not abated or affected by the expiration of that section. Sections 32, 34, and 35 of this act become effective on the date that Chapter 538 of the 1993 Session Laws becomes effective. Prosecution for, or sentences based on, offenses occurring before the effective date of this Part are not abated or affected by the repeal or amendment in this Part of any statute, and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this Part remain applicable to those prosecutions or sentences.

**PART 7. EFFECTIVE DATE**

Sec. 38. Except as otherwise provided, this act is effective upon ratification.

On motion of Senator Daniel, the Chair orders the Conference Report placed on the Calendar for immediate consideration upon its adoption.

The Chair rules that the Conference Report contains substantive amendments and requires adoption on second and third readings.

On motion of Senator Daniel, the Senate adopts the Conference Report on its second (32–0) and third readings.

Senator Perdue requests to be recorded voting aye on the third reading of the Conference Report.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

## REPORT OF COMMITTEE

A select committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Cooper for the **Select Committee on Courts:**

**H.B. 145** (Committee Substitute), a bill to require that the parent, guardian, or next of kin of a minor who is charged or taken into custody by a law enforcement officer shall be notified without unnecessary delay and to amend the law regarding the concealment of merchandise in mercantile establishments, as rewritten by the **Select Committee on Courts** on March 17, proposing to change the title to read **H.B. 145** (Senate Committee Substitute), a bill to amend the law regarding the concealment of merchandise in mercantile

establishments, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 6248, which changes the title, upon concurrence, to read **H.B. 145** (Senate Committee Substitute No. 2), a bill to amend the law regarding the concealment of merchandise in mercantile establishments, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill No. 2 is adopted, and on his further motion remains before the Senate for immediate consideration upon its passage.

The Senate Committee Substitute bill No. 2 passes its second (33–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2 by special messenger.

## CALENDAR

Pursuant to the motion of Senator Basnight prevailing on February 16, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

A bill on the Calendar is taken up and disposed of, as follows:

**H.B. 110** (Senate Committee Substitute), a bill to increase the time within which hearings for juveniles in custody take place, to provide for waiver of hearings on continued custody, to lengthen time of temporary custody of juveniles without an order, and to allow placement of juveniles by the Department of Social Services, withdrawn from the **Appropriations Committee**, placed on the Calendar, and temporarily displaced earlier today.

The Senate Committee Substitute bill passes its second (32–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

## CONFERENCE REPORT

**S.B. 150** (House Committee Substitute)

Senator Daniel, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 150** (Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act, and the House Committee Substitute Bill which proposes to change the title, upon concurrence, to read **S.B. 150** (House Committee Substitute), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, submits the following report:

*To the President of the Senate and the*
*Speaker of the House of Representatives:*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 150, A BILL TO BE ENTITLED AN ACT TO ADJUST THE APPROPRIATIONS MADE FOR THE 1993–94 FISCAL YEAR AND THE 1994–95 FISCAL YEAR TO CREATE THE BUDGET MODIFICATION ACT OF 1994, House Committee Substitute Favorable/Engrossed 3/3/94, Fourth Edition, submit the following report:

The House of Representatives and the Senate agree to the following amendment to the House Committee Substitute Favorable/Engrossed 3/3/94, Fourth Edition, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable/Engrossed 3/3/94, Fourth Edition, and substitute the attached Proposed Conference Committee Substitute PCCS 9801.

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: March 25, 1994.

| | |
|---|---|
| S/George B. Daniel, Chairman | S/Martin Nesbitt, CoChair |
| S/Frank W. Ballance, Jr. | David Diamont, CoChair |
| S/Betsy L. Cochrane | S/Anne C. Barnes |
| S/Roy A. Cooper, III | S/Howard Hunter |
| S/William N. Martin | S/B. Holt |
| S/T. L. Odom | S/James B. Black |
| S/Beverly M. Perdue | S/Gene Rogers |
| S/Aaron W. Plyler | S/Edd Nye |
| S/Robert G. Shaw | S/Ruth Easterling |
| S/R. C. Soles, Jr. | S/H. M. Michaux, Jr. |
| S/Fletcher L. Hartsell, Jr. | S/David Redwine |
| S/J. Richard Conder (See Errata) | S/Carolyn B. Russell |
| | S/Joanne W. Bowie |
| | S/Dub Dickson |
| | S/Gene G. Arnold |
| | S/R. J. Hensley, Jr. |
| | S/Charlotte A. Gardner |
| | S/Milton F. Fitch, Jr. |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

The text of the attached Proposed Conference Committee Substitute 9801, which changes the title, is as follows:

A BILL TO BE ENTITLED AN ACT TO ADJUST THE APPROPRIATIONS MADE FOR THE 1993–94 FISCAL YEAR AND THE 1994–95 FISCAL YEAR TO AID IN THE CONTROL AND PREVENTION OF CRIME.

The General Assembly of North Carolina enacts:

**PART 1. INTRODUCTION**

Section 1. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the Executive Budget Act, or this act, the savings shall revert to the appropriate fund at the end of each fiscal year.

Sec. 2. The appropriations made by the 1994 Extra Session of the General Assembly in this act for capital improvements are for constructing, repairing, or renovating State buildings, utilities, and other capital facilities, for acquiring sites for them where necessary, and for acquiring buildings and land for State government purposes.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

**PART 2. TITLE OF ACT**

Sec. 3. This act shall be known as the Crime Control and Prevention Act of 1994.

**PART 3. GENERAL FUND APPROPRIATIONS**

**CURRENT OPERATIONS/GENERAL FUND**

Sec. 4. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, for one–time expenditures, and for other purposes as enumerated are made for the biennium ending June 30, 1995, according to the schedule that follows:

| Current Operations – General Fund | 1993–94 | 1994–95 |
|---|---|---|
| General Assembly | | |
| 01. Create the Joint Legislative Corrections Oversight Committee | $ – | $ 25,000 NR |
| 02. Create the Legislative Study Commission on Farm Camp Programs | 25,000 NR | – |
| 03. Create a Legislative Study on Welfare Reform | 20,000 NR | 40,000 NR |
| Total General Assembly | 45,000 | 65,000 |
| Judicial Department | | |
| 01. Structured Sentencing Act effective October 1, 1994— | | |
| a. Community Penalties (5 positions and grants) | | 1,788,253 |
| (Hire 8/1/94) | | 44,622 NR |
| b. Legal and administrative costs (40 positions) | | 1,559,958 |
| (Hire 8/1/94) | – | 768,425 NR |
| 02. Provide access to the Police Information Network (PIN) to district attorneys throughout the State | 30,000 NR | – |
| 03. Reserve for court/drug treatment program | – | 800,000 |
| 04. Reserve for "Teen Court" programs | – | 75,000 |
| Total Judicial Department | 30,000 | 5,036,258 |
| Office of the Governor | | |
| Office of State Budget and Management | | |
| 01. Reserve for study and development of a statewide Criminal Justice Information Network (CJIN) | 100,000 NR | 930,000 NR |
| Total Office of the Governor | 100,000 | 930,000 |
| Public Education | | |
| State Aid to Local School Administrative Units | | |
| 01. Low Wealth School Systems' Supplemental Funding, in accordance with Section 138 of Chapter 321 of the 1993 Session Laws | – | 10,000,000 |
| 02. Local Programs to Assist Children at Risk of School Failure | – | 18,237,120 |
| 03. Intervention/Prevention Grant Program | – | 12,000,000 |
| Total Public Education | – | 40,237,120 |

| | | |
|---|---|---|
| Department of Justice | | |
| 01. Establish five new positions to be assigned to the Department of Correction—Attorney I, Attorney II, (2) Paralegal II, and Administrative Assistant III | – | 202,628 |
| | – | 22,580 NR |
| 02. Upgrade Automated Fingerprint Identification System(AFIS) | – | 397,692 |
| | – | 3,074,000 NR |
| Total Department of Justice | – | 3,696,900 |
| Department of Human Resources | | |
| DHR – Secretary | | |
| 01. Family Resource Center Grant Program – $180,000 administrative costs | – | 2,055,000 |
| 02. Grants to "Support Our Students" (S.O.S.) Pilot Projects | – | 5,000,000 |
| 03. Conduct a comprehensive study of the Division of Youth Services' Juvenile Justice System | 150,000 NR | |
| 04. Expand Family Preservation Services Program | – | 500,000 |
| Subtotal DHR – Secretary | 150,000 | 7,555,000 |
| Division of Mental Health, Developmental Disabilities, and Substance Abuse Services | | |
| 01. Expand the Student Services Program of the N.C. High School Athletic Association – Coach Mentor Training | – | 534,000 |
| 02. Structured Sentencing Act effective October 1, 1994— To provide substance abuse treatment services to offenders under the Treatment Alternatives to Street Crime (TASC) Program | – | 1,359,380 |
| Subtotal – Mental Health | – | 1,893,380 |
| Division of Youth Services | | |
| 01. Operating funds for two additional Wilderness Camps | – | 2,566,000 |
| 02. Expand the Governor's One–on–One Program and increase the funding for each program | – | 1,150,000 |
| 03. Staff to operate 147 additional beds in existing training schools including a special education teacher and guidance counselor at each school | – | 7,279,419 |
| 04. Establish Alternatives to Detention Program in selected district court judicial districts | 125,000 | 500,000 |

| | | |
|---|---|---|
| 05. Outcome–Based Enhancement of the Community–Based Alternatives Program | – | 5,000,000 |
| Subtotal – Youth Services | 125,000 | 16,495,419 |
| Total Department of Human Resources | 275,000 | 25,943,799 |
| Department of Correction | | |
| 01. Structured Sentencing Act effective October 1, 1994— | | |
| a. Adult Probation and Parole (514 positions) (Hire 8/1/94 and 3/1/95) | – | 14,014,808 |
| | – | 3,088,210 NR |
| b. Administrative Costs for Adult Probation and Parole – (10 positions) (Hire 8/1/94 and 12/1/94) | – | 253,770 |
| | – | 76,818 NR |
| c. Administrative Costs for Central Administration Office – (22 positions) (Hire 8/1/94 and 12/1/94) | – | 1,121,363 |
| | – | 184,519 NR |
| d. Computer Software | – | 2,200,000 NR |
| 02. Operating costs for 208 additional beds at Piedmont, Lumberton,Pender, Wayne, and Brown Creek for a total of 1040 additional beds | – | 13,466,330 |
| | – | 2,033,670 NR |
| 03. To lease jail space from local governments | – | 8,358,000 |
| 04. To provide for out–of–state housing of inmates | – | 24,972,000 |
| 05. Reserve to allow for contracting of 500 beds in private alcohol and drug treatment centers | – | 5,156,740 |
| | – | 16,260 NR |
| 06. Use existing space more efficiently in order to house 500 additional inmates | – | 1,639,500 |
| 07. Operating costs for a new Drug and Alcohol Recovery Treatment (DART) Center | – | 1,007,436 |
| | – | 192,564 NR |
| 08. Establish a Substance Abuse Program in each of five prisons located near urban areasthroughout the State | – | 1,225,345 |
| | | 320,000 NR |
| 09. Reserve for the operation of a new 90–bed boot camp facility for youthful offenders | – | 1,124,373 |
| | | 392,293 NR |

| | | | |
|---|---|---|---|
| 10. Provide a post–boot camp program for up to 180 probationers | – | 452,619 | |
| 11. Additional operating funds to bring on line the new facilities constructed with $87.5 million prison bonds | – | 18,991,090 | |
| | – | 8,235,572 | NR |
| 12. Operating costs for new facilities coming on line—Eastern Processing Center, Marion Close Custody Addition, and consolidation of five units | – | 546,720 | |
| | – | 125,932 | NR |
| 13. Reserve for establishment of pilot programs for treatment of parolees and probationers with substance abuse problems | – | 583,000 | |
| 14. Greater After Prison Support Program – a community–based pre–release and aftercare program for prison inmates | – | 85,000 | |
| 15. Criminal Justice Partnership Act effective April 1, 1995— | | | |
| a. Grants | – | 3,000,000 | |
| b. Administration | – | 146,300 | |
| | – | 103,700 | NR |
| Total Department of Correction | – | 113,113,932 | |
| Department of Crime Control and Public Safety | | | |
| 01. Structured Sentencing Act effective October 1, 1994— Community Services (6 positions) | – | 168,000 | |
| | | 12,000 | NR |
| 02. Victims Assistance Network | – | 150,000 | |
| 03. Additional Funds to the Crime Victims Compensation Fund | – | 800,000 | |
| | | 3,000,000 | NR |
| Total Department of Crime Control and Public Safety | – | 4,130,000 | |
| GRAND TOTAL CURRENT OPERATIONS – | | | |
| GENERAL FUND – RECURRING | 125,000 | 168,266,844 | |
| NONRECURRING | 325,000 | 24,886,165 | |
| TOTAL | $ 450,000 | $193,153,009 | |

**PART 4. CAPITAL IMPROVEMENTS/GENERAL FUND**

Sec. 5. Appropriations are made from the General Fund for the 1993–94 and 1994–95 fiscal years for use by the State departments, institutions, and agencies to provide for capital improvement projects according to the following schedule:

| Capital Improvements – General Fund | 1993–94 | 1994–95 |
|---|---|---|
| Department of Administration | | |
| 01. Construct 208 additional beds at Piedmont, Lumberton, Pender, Wayne, and Brown Creek for a total of 1040 additional prison beds | $ 21,483,914 | $ – |

| | | |
|---|---|---|
| 02. Construct Eastern Processing Center. Due to subsurface soil conditions and wetlands that were unknown at time of original project cost estimate, may need up to $3.0 million more to complete site development for this unit | – | 21,006,000 |
| 03. Construct an addition at Marion Close Custody Unit | – | 5,358,900 |
| 04. Consolidation of five prison units (GPAC Recommendations) | – | 10,260,500 |
| 05. Construction costs of a new Drug and Alcohol Recovery Treatment (DART) Center | 1,425,000 | – |
| 06. To construct new 90–bed boot camp facility for youthful offenders | 1,100,000 | – |
| Total Department of Administration | 24,008,914 | 36,625,400 |
| Department of Human Resources | | |
| 01. To support construction of two additional Wilderness Camps | 750,000 | – |
| 02. Reserve for construction of one 24–bed Detention Center | 1,600,000 | – |
| Total Department of Human Resources | 2,350,000 | – |
| GRAND TOTAL CAPITAL IMPROVEMENTS – GENERAL FUND | $ 26,358,914 | $36,625,400 |

**PART 5. PROCEDURES FOR DISBURSEMENTS**

Sec. 6. The appropriations made by the 1994 Extra Session of the General Assembly for capital improvements shall be disbursed for the purposes provided by this act. Expenditure of funds shall not be made by any State department, institution, or agency, until an allotment has been approved by the Governor as Director of the Budget. The allotment shall be approved only after full compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes. Prior to the award of construction contracts for projects to be financed in whole or in part with self–liquidating appropriations, the Director of the Budget shall approve the elements of the method of financing of those projects including the source of funds, interest rate, and liquidation period. Provided, however, that if the Director of the Budget approves the method of financing a project, the Director shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting.

Where direct capital improvement appropriations include the purpose of furnishing fixed and movable equipment for any project, those funds for equipment shall not be subject to transfer into construction accounts except as authorized by the Director of the Budget. The expenditure of funds for fixed and movable equipment and furnishings shall be reviewed and approved by the Director of the Budget prior to commitment of funds.

Capital improvement projects authorized by the 1994 Extra Session of the General Assembly shall be completed, including fixed and movable equipment and furnishings, within the limits of the amounts of the direct or self–liquidating appropriations provided, except as otherwise provided in this act.

## PART 6. GENERAL PROVISIONS

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

**SPECIAL FUNDS, FEDERAL FUNDS, AND DEPARTMENTAL RECEIPTS/AUTHORIZATION FOR EXPENDITURES**

Sec. 7. There is appropriated out of the cash balances, federal receipts, and departmental receipts available to each department, sufficient amounts to carry on authorized activities included under each department's operations. All these cash balances, federal receipts, and departmental receipts shall be expended and reported in accordance with provisions of the Executive Budget Act, except as otherwise provided by statute, and shall be expended at the level of service authorized by the General Assembly. If the receipts, other than gifts and grants that are unanticipated and are for a specific purpose only, collected in a fiscal year by an institution, department, or agency exceed the receipts certified for it in General Fund Codes or Highway Fund Codes, then the Director of the Budget shall decrease the amount he allots to that institution, department, or agency from appropriations from that Fund by the amount of the excess, unless the Director of the Budget finds that the appropriations from the Fund are necessary to maintain the function that generated the receipts at the level anticipated in the certified Budget Codes for that Fund. Funds that become available from overrealized receipts in General Fund Codes and Highway Fund Codes, other than gifts and grants that are unanticipated and are for a specific purpose only, shall not be used for new permanent employee positions or to raise the salary of existing employees except:

(1) As provided in G.S. 116–30.1, 116–30.2, 116–30.3, 116–30.4, or 143–27; or

(2) If the Director of the Budget finds that the new permanent employee positions are necessary to maintain the function that generated the receipts at the level anticipated in the certified budget codes for that Fund. The Director of the Budget shall notify the President *Pro Tempore* of the Senate, the Speaker of the House of Representatives, the chairmen of the appropriations committees of the Senate and the House of Representatives, and the Fiscal Research Division of the Legislative Services Office that he intends to make such a finding at least 10 days before he makes the finding. The notification shall set out the reason the positions are necessary to maintain the function.

The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office within 30 days after the end of each quarter the General Fund Codes or Highway Fund Codes that did not result in a corresponding reduced allotment from appropriations from that Fund.

The Director of the Budget shall develop necessary budget controls, regulations, and systems to ensure that these funds and other State funds subject to the Executive Budget Act, are not spent in a manner which would cause a deficit in expenditures.

Pursuant to G.S. 143–34.2, State departments, agencies, institutions, boards, or commissions may make application for, receive, or disburse any form of non–State aid. All non–State monies received shall be deposited with the State Treasurer unless otherwise provided by State law. These funds shall be expended in accordance with the terms and conditions of the fund award that are not contrary to the laws of North Carolina.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

**BUDGETING OF PILOT PROGRAMS**

Sec. 8. (a) Any program designated by the General Assembly as experimental, model, or pilot shall be shown as a separate budget item and shall be considered as an expansion item until a succeeding General Assembly reapproves it.

Any new program funded in whole or in part through a special appropriations bill shall be designated as an experimental, model, or pilot program.

(b) The Governor shall submit to the General Assembly with his proposed budget a report of which items in the proposed budget are subject to the provisions of this section.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler

**LIMITATIONS ON DEPARTMENTAL USE OF APPROPRIATIONS**

Sec. 9. (a) Effective on ratification of this act, G.S. 143–23(a1) reads as rewritten:

"(a1) No transfers may be made between objects or line items in the budget of any department, institution, or other spending agency; however, with the approval of the Director of the Budget, a department, institution, or other spending agency may spend more than was appropriated for an object or line item if the overexpenditure is:

(1) In a purpose or program for which funds were appropriated for that fiscal period and the total amount spent for the purpose or program is no more than was appropriated for the purpose or program for the fiscal period;

(2) Required to continue a purpose or program because of unforeseen events, so long as the scope of the purpose or program is not increased;

(3) Required by a court, Industrial Commission, or administrative hearing officer's order or award or to match unanticipated federal funds;

(4) Required to respond to an unanticipated disaster such as a fire, hurricane, or tornado; or

(5) Required to call out the National Guard.

The Director of the Budget shall report on a quarterly basis to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office the reason if the amount expended for a purpose or program is more than the amount appropriated for it from all sources. If the overexpenditure was authorized under subdivision (2) of this subsection, the Director of the Budget shall identify in the report the unforeseen event that required the overexpenditure.

(a2) Funds appropriated for salaries and wages are also subject to the limitation that they may only be used ~~for (i) salaries~~ for:

(1) Salaries and wages or for premium pay, overtime pay, longevity, unemployment compensation, workers' compensation, temporary wages, ~~contracted personal services~~, moving ~~expenses,~~ expenses of employees, payment of accumulated annual leave, certain awards to employees, tort claims, and employer's social security, retirement, and hospitalization payments; ~~or (ii) uses~~

(2) Contracted personal services if (i) the contract is for temporary services or special project services, (ii) the term of the contract does not extend beyond the fiscal year, and (iii) the contract does not impose obligations on the State after the end of the fiscal year; and

(3) Uses for which ~~over expenditures~~ overexpenditures are permitted by subdivisions (3), (4), and (5) of ~~this~~ subsection (a1) of this section but the Director of the Budget shall include such use and the reason for it in his quarterly report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office.

Lapsed salary funds that become available from vacant positions are also subject to the limitation that they may not be used for new permanent employee positions or to raise the salary of existing employees.

(a3) The requirements in this section that the Director of the Budget report to the Joint Legislative Commission on Governmental Operations shall not apply to expenditures of receipts by entities that are wholly receipt supported, except for entities supported by the Wildlife Resources Fund."

(b) Effective July 1, 1994, G.S. 143–23(a1), as rewritten by subsection (a) of this section, reads as rewritten:

"(a1) No transfers may be made between objects or line items in the budget of any department, institution, or other spending agency; however, with the approval of the Director of the Budget, a department, institution, or other spending agency may spend more than was appropriated for an object or line item if the overexpenditure is:

(1) In a purpose or program for which funds were appropriated for that fiscal period and the total amount spent for the purpose or program is no more than was appropriated for the purpose or program for the fiscal period;
(2) Required to continue a purpose or program because of unforeseen events, so long as the scope of the purpose or program is not increased;
(3) Required by a court, Industrial Commission, or administrative hearing officer's order or award or to match unanticipated federal funds;
(4) Required to respond to an unanticipated disaster such as a fire, hurricane, or tornado; or
(5) Required to call out the National Guard.

If the total of all overexpenditures of a line item approved by the Director of the Budget for a fiscal year for the purposes set out in subdivisions (1) and (2) of this subsection exceeds ten percent (10%) of the line item amount in the budget enacted by the General Assembly, the Director of the Budget shall report monthly to the Joint Legislative Commission on Governmental Operations. The report shall include the reasons that make overexpenditures necessary and any unforeseen events necessitating overexpenditures that occurred after the budget was enacted by the General Assembly.

The Director of the Budget shall report on a quarterly basis to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office the reason if the amount expended for a purpose or program is more than the amount appropriated for it from all sources. If the overexpenditure was authorized under subdivision (2) of this subsection, the Director of the Budget shall identify in the report the unforeseen event that required the overexpenditure."

(c) Effective July 1, 1994, G.S. 143–23(a2), as enacted by subsection (a) of this section, reads as rewritten:

"(a2) Funds appropriated for salaries and wages are also subject to the limitation that they may only be used for:

(1) Salaries and wages or for premium pay, overtime pay, longevity, unemployment compensation, workers' compensation, temporary wages, moving expenses of employees, payment of accumulated annual leave, certain awards to employees, tort claims, and employer's social security, retirement, and hospitalization payments;
(2) Contracted personal services if (i) the contract is for temporary services or special project services, (ii) the term of the contract does not extend beyond the fiscal year, ~~and~~ (iii) the contract does not impose obligations on the State after the end of the fiscal year; and (iv) the total of all overexpenditures for contracted personal services approved in a program for a fiscal year does not exceed the greater of five hundred thousand dollars ($500,000) or ten percent (10%) of the lapsed salary funds in the program for the fiscal year; and
(3) Uses for which overexpenditures are permitted by subdivisions (3), (4), and (5) of subsection (a1) of this section but the Director of the Budget shall include such use and the reason for it in his quarterly report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office.

Lapsed salary funds that become available from vacant positions are also subject to the limitation that they may not be used for new permanent employee positions or to raise the salary of existing employees."

(d) Effective from the ratification of this act through June 30, 1994, subsection (a) of this section does not apply to contracts entered into by the Department of Correction for the confinement of prisoners in non–State facilities.

(e) The Director of the Budget shall either realign the line items in the proposed supplemental budget for the 1994–95 fiscal year so as to minimize overexpenditures of funds pursuant to G.S. 143–23 or include with the proposed supplemental budget for the 1994–95 fiscal year a statement identifying the line items that have been consistently overexpended pursuant to G.S. 143–23 over the prior two fiscal bienniums.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
**EXPENDITURES OF FUNDS IN RESERVES LIMITED**

Sec. 10. All funds appropriated by this act into reserves may be expended only for the purposes for which the reserves were established.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
**STATE MONEY RECIPIENTS/CONFLICT OF INTEREST POLICY**

Sec. 11. Each private, nonprofit entity eligible to receive State funds, either by General Assembly appropriation, or by grant, loan, or other allocation from a State agency, before funds may be disbursed to the entity, shall file with the disbursing agency a notarized copy of that entity's policy addressing conflicts of interest that may arise involving the entity's management employees and the members of its board of directors or other governing body. The policy shall address situations where any of these individuals may directly or indirectly benefit, except as the entity's employees or members of the board or other governing body, from the entity's disbursing of State funds, and shall include actions to be taken by the entity or the individual, or both, to avoid conflicts of interest and the appearance of impropriety.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
**BUDGET REFORM STATEMENT**

Sec. 12. (a) The General Fund availability used in developing the budget enacted in this Act, is shown below:

| | 1993–94 | 1994–95 Recurring | 1994–95 Nonrecurring |
|---|---|---|---|
| AVAILABILITY: | | | |
| Estimated Remaining Balance from 1993–94 | $ – | $ – | $178.6 |
| Unappropriated Balance from the 1993 Session | 4.7 | 209.6 | – |
| Revenue Forecast Increase | 156.0 | 160.0 | – |
| Disproportionate Share Receipts | – | – | 94.0 |
| Total Availability | $160.7 | $369.6 | $272.6 |
| Appropriation Increases: | | | |
| Current Operations | .5 | 168.3 | 24.9 |
| Capitol Improvements | 26.4 | – | 36.6 |
| TOTAL APPROPRIATIONS | $ 26.9 | $168.3 | $61.5 |
| Unobligated Availability | 133.8 | | |
| 1993–94 Estimated Reversions | 184.4 | – | – |
| Total Credit Balance | $318.2 | | |
| Earmarking: | | | |
| Savings Reserve | 79.6 | | |
| Repairs and Renovations Reserve | 60.0 | | |
| Total Earmarking | $139.6 | | |
| Estimated Remaining Balance | $178.6 | $201.3 | $211.1 |

Estimate of Disproportionate Share Receipts to be deposited as a nontax revenue and reserved by the State Controller:

| | |
|---|---|
| 1993–94 | $114.2 |
| 1993–94 Estimated Overcollections | 85.0 |
| TOTAL | $199.2 |

(b) The 1994–95 Unappropriated Balance of $209.6 million from the 1993 Session stated in subsection (a) of this section is included in Total Availability as stated in Section 8 of Chapter 561 of the 1993 Session Laws. All other amounts in subsection (a) are increases in that Total Availability.

**PART 7. OFFICE OF STATE BUDGET AND MANAGEMENT**

Requested by: Senators Daniel, Plyler, Odom, Ballance,
Representatives Nesbitt, Diamont, Gist, Holt

**CRIMINAL JUSTICE INFORMATION NETWORK**

Sec. 13. (a) Of the funds appropriated in this act to the Office of State Budget and Management, the sum of one hundred thousand dollars ($100,000) for the 1993–94 fiscal year shall be used to study the development of a Criminal Justice Information Network that links together data in existing databases and networks. Any of these funds unexpended at the end of the 1993–94 fiscal year shall not revert but shall remain available to complete this study. Of the funds appropriated in this act to the Office of State Budget and Management for the 1994–95 fiscal year the sum of nine hundred thirty thousand dollars ($930,000) shall be placed in a reserve, to be allocated as prescribed by the 1993 General Assembly, Regular Session 1994. This study shall include:

(1) An assessment of the functionality of information currently used by the General Court of Justice, State and local law enforcement agencies, correction agencies, and State departments or agencies related to the criminal justice system and the juvenile justice system, and an evaluation of the need for systems integration or system enhancements, in particular the need for a comprehensive DWI database and for systems integration of the Department of Correction's Offender Management Information System;

(2) A determination of the technical feasibility of incorporating all or portions of currently existing information systems and all or portions of new information systems into a comprehensive statewide Criminal Justice Information Network (CJIN);

(3) An evaluation of feasible CJIN designs at no fewer than three alternative levels of costs (both capital and future operating), and a clear description of the benefits and costs associated with each level;

(4) An estimation of a development and implementation schedule for each level of costs, showing milestones to be achieved during each phase of the schedule, costs to be incurred during each phase, and any benefits and savings expected at intermediate stages of CJIN development and implementation;

(5) An evaluation of alternative structures for CJIN management, including accountability for CJIN operations, criteria for membership or participation, procedures to prevent inappropriate or illegal access, and steps to assure data quality and accuracy;

(6) Recommendations of measures for savings, efficiency, and effectiveness that will enable the General Assembly to gauge CJIN performance;

(7) Assurances that the integrated CJIN shall be consistent and compatible with a comprehensive telecommunications plan as approved by the Information Resource Management Commission; and

(8) A plan for a statewide integrated law enforcement communications system and a study of the costs of making that system available to local governments.

(b) There is created within the Office of State Budget and Management a Criminal Justice Information Network study committee to conduct the study required under this section. The study committee shall be appointed by the Governor in consultation with the Lieutenant Governor, the Attorney General, and the Chief Justice of the North Carolina Supreme Court. The Governor shall appoint no more than nine members to the study committee, and shall make the appointments based upon the appointees' knowledge, expertise, and responsibility within the criminal justice system, the juvenile justice system, and related areas. All State and local government agencies

shall cooperate fully with the study committee. The study committee shall provide a monthly report on its progress (i) to the Chairs of the Senate and House Appropriations Committees, (ii) to the Chairs of the Senate and House Justice and Public Safety Appropriations Subcommittees, and (iii) to the Information Resources Management Commission established by G.S. 143B–426.21 at the regularly scheduled meetings of the Commission. The study committee shall report its final findings and recommendations to the General Assembly on or before February 1, 1995, and shall make an interim report by May 15, 1994.

**PART 8. ADVANCE STRUCTURED SENTENCING**

Requested by: Representatives Barnes, Nesbitt, Diamont, Gist, Holt, Redwine, Michaux, Bowie, Senators Daniel, Plyler, Odom, Ballance

**ADVANCE STRUCTURED SENTENCING/CRIMINAL JUSTICE PARTNERSHIP ACT/PAROLE NONVIOLENT INMATES CONFORM EFFECTIVE DATE TO STRUCTURED SENTENCING**

Sec. 14. (a) G.S. 15A–1340.10, as enacted by Section 1 of Chapter 538 of the 1993 Session Laws, reads as rewritten:

"**§ 15A–1340.10. Applicability of structured sentencing.**

This Article applies to criminal offenses in North Carolina, other than impaired driving under G.S. 20–138.1 that occur on or after ~~January 1, 1995.~~ October 1, 1994."

(b) Section 56 of Chapter 538 of the 1993 Session Laws reads as rewritten:

"Sec. 56. This act becomes effective ~~January 1, 1995,~~ October 1, 1994, and applies only to offenses occurring on or after that date. Prosecutions for, or sentences based on, offenses occurring before the effective date of this act are not abated or affected by the repeal or amendment in this act of any statute, and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

(c) Section 1359 of Chapter 539 of the 1993 Session Laws reads as rewritten:

"Sec. 1359. This act becomes effective ~~January 1, 1995,~~ October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

(d) Section 2 of Chapter 534 of the 1993 Session Laws reads as rewritten:

"Sec. 2. This act becomes effective January 1, 1994. Grants administered under this act shall become effective ~~July~~ April 1, 1995. The Department of Correction may use funds available to support the administration of the State–County Criminal Justice Partnership program effective January 1, 1994."

(e) Section 4 of Chapter 15 of the Session Laws of the Extra Session of 1994 is amended by deleting "January 1, 1995", and substituting "October 1, 1994".

**PART 9. DEPARTMENT OF CORRECTION**

Requested by: Senators Ballance, Odom, Daniel, Plyler, Representatives Nesbitt, Diamont, H. Hunter, Holt, Bowie, Michaux

**LEASE JAIL SPACE**

Sec. 15. (a) Funds appropriated in this act to the Department of Correction for leasing jail space from local governments to house inmates committed to the Department's custody shall be used for this purpose only and shall not be transferred.

(b) This section becomes effective July 1, 1994.

Requested by: Senators Odom, Ballance, Daniel, Plyler, Representatives Gist, Holt, Redwine, Nesbitt, Diamont, Michaux, Bowie

**DEPARTMENT OF CORRECTION CONTRACTS FOR IN–STATE/OUT–OF–STATE HOUSING OF INMATES**

Sec. 16. (a) G.S. 148–37 reads as rewritten:

"**§ 148–37. Additional facilities authorized; contractual arrangements.**

(a) Subject to the provisions of G.S. 143–341, the State Department of Correction may establish additional facilities for use by the Department, such facilities to be either

of a permanent type of construction or of a temporary or movable type as the Department may find most advantageous to the particular needs, to the end that the prisoners under its supervision may be so distributed throughout the State as to facilitate individualization of treatment designed to prepare them for lawful living in the community where they are most likely to reside after their release from prison. For this purpose, the Department may purchase or lease sites and suitable lands adjacent thereto and erect necessary buildings thereon, or purchase or lease existing facilities, all within the limits of allotments as approved by the Department of Administration.

(b) The Secretary of Correction may contract with the proper official of the United States or of any county or city of this State for the confinement of federal prisoners after they have been sentenced, county, or city prisoners in facilities of the State prison system or for the confinement of State prisoners in any county or any city facility located in North Carolina, or any facility of the United States Bureau of Prisons, when to do so would most economically and effectively promote the purposes served by the Department of Correction. Any contract made under the authority of this section shall be for a period of not more than two years, and shall be renewable from time to time for a period not to exceed two years. Contracts for receiving federal, county and city prisoners shall provide for reimbursing the State in full for all costs involved. The financial provisions shall have the approval of the Department of Administration before the contract is executed. Payments received under such contracts shall be deposited in the State treasury for the use of the State Department of Correction. Such payments are hereby appropriated to the State Department of Correction as a supplementary fund to compensate for the additional care and maintenance of such prisoners as are received under such contracts.

(c) In addition to the authority contained in subsections (a) and (b) of this section, and in addition to the contracts ratified by subsection (f) of this section, the Secretary of Correction may enter into contracts with any public entity for the confinement and care of State prisoners in any out-of-state public correctional facility when to do so would most economically and effectively promote the purposes served by the Department of Correction. Subject to the provisions of subsection (e) of this section, the combined authority contained in this subsection and in subsection (f) of this section may be used to house a maximum of 1,000 prisoners at any one time, which maximum shall include those housed on March 25, 1994, under contracts ratified by subsection (f) of this section. Prisoners may be sent to out-of-state correctional facilities only when there are no available facilities in this State within the State prison system to appropriately house those prisoners. Any contract made under the authority of this subsection shall expire not later than June 30, 1995, and shall be approved by the Department of Administration before the contract is executed.

(d) Prisoners confined in out-of-state correctional facilities pursuant to subsection (c) of this section shall remain subject to the rules adopted for the conduct of persons committed to the State prison system. The rules regarding good time and gain time, discipline, classification, extension of the limits of confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates housed in those out-of-state correctional facilities. The operators of those out-of-state correctional facilities may promulgate any other rules as may be necessary for the operation of those facilities with the written approval of the Secretary of Correction. Custodial officials employed by an out-of-state correctional facility are agents of the Secretary of Correction and may use those procedures for use of force authorized by the Secretary of Correction not inconsistent with the laws of the State of situs of the facility to defend themselves, to enforce the observance of discipline in compliance with correctional facility rules, to secure the person of a prisoner, and to prevent escape. Prisoners confined to out-of-state correctional facilities may be required to perform reasonable work assignments within those facilities.

(e) The Department of Correction shall not contract to house in non-State-owned facilities within the State more than a total of 1,500 inmates at any one time, excluding any beds in private substance abuse treatment centers authorized by the General Assembly.

If the number of inmates housed in non-State-owned facilities pursuant to this section exceeds 500, then the maximum number of prisoners authorized to be housed out-of-state pursuant to subsection (c) of this section is reduced by the amount of the excess."

(b) G.S. 148-37 is amended by adding a new subsection to read:

"(f) Any contracts entered into by the Department of Correction with public contractors prior to March 25, 1994, for the out-of-state housing of inmates are ratified. The Department of Correction shall take such actions not inconsistent with the terms of the contracts so that without further approval by the General Assembly they are not effective for the confinement or care of State prisoners after June 30, 1995."

(c) Subsections (a) and (b) of this section are effective upon ratification, but subsection (a) of this section expires on June 30, 1995.

Requested by: Representatives Nesbitt, Diamont, Mavretic,
Senators Daniel, Plyler, Odom, Ballance

**DEPARTMENT OF CORRECTION STUDY OF HOUSING OF CERTAIN FELONS OUTSIDE THE STATE OF NORTH CAROLINA**

Sec. 17. The Department of Correction shall study the issue of private, out-of-country placement of felons of 16 years of age or older who are sentenced to prison for 10 or more years in correctional facilities that equal or exceed the standards for adult correctional institutions of the American Correctional Association for construction and habitation and are:

(1) Operated by any governmental unit within any U.S. state, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; or

(2) a. Operated by any corporation or other business entity organized under the laws of any U.S. state, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; and

b. Located within the boundaries of any U.S. state, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any nation that is a signatory of the North American Free Trade Agreement (NAFTA), as approved by the United States in Pub. L. No. 103-182, 107 Stat. 2057 (1993).

The Department shall report the results of this study to the 1993 General Assembly, Regular Session 1994.

Requested by: Representatives Nesbitt, Diamont, Gist, Holt, Redwine, Bowie, Michaux,
Senators Odom, Ballance, Daniel, Plyler

**REPORT ON PLAN FOR CONTRACTING WITH PRIVATE SUBSTANCE ABUSE TREATMENT CENTERS**

Sec. 18. The Department of Correction shall report to the General Assembly by May 15, 1994, on its plan for the use of funds appropriated to it in this act for the 1994-95 fiscal year for contracts for 500 beds in private substance abuse treatment centers, not to exceed 100 beds at any one center, including any recommended changes in legislation necessary to authorize these contracts. The Department of Human Resources shall provide any technical assistance requested by the Department of Correction on the preparation of the plan.

Requested by: Senators Perdue, Martin of Guilford, Daniel, Plyler,
Representatives Nesbitt, Diamont, Easterling, Holt, Bowie, Redwine

**BOOT CAMP FUNDS**

Sec. 19. (a) Of the funds appropriated in this act to the Department of Correction the sum of one million five hundred sixteen thousand six hundred sixty-six dollars ($1,516,666) for the 1994-95 fiscal year shall be placed in a reserve for the operation of a new boot camp for youthful offenders to be brought on line in the 1994-95 fiscal year under the construction program provided for in this act. The boot camp shall operate according to the guidelines set forth for the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) in Chapter 1010 of the 1989 Session Laws.

(b) Of the funds appropriated in this act to the Department of Correction the sum of four hundred fifty–two thousand six hundred nineteen dollars ($452,619) for the 1994–95 fiscal year shall be used to provide a post–boot camp program for probationers who are likely to benefit from such a program in order to assist them to become productive citizens and to remain free from criminal activity. The Department shall select up to 180 probationers to participate in the program, which shall include intensive probation supervision, substance abuse treatment and counseling, family contact, involvement, and counseling, consultation with appropriate personnel in the Department of Human Resources in establishing participation by probationers in appropriate community–based services, and other appropriate intervention.

(c) The Department of Correction shall evaluate the IMPACT program and the post–Boot Camp probation program funded under this section and report to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Fiscal Research Division prior to January 1, 1995, and annually thereafter. The evaluation of the IMPACT program shall compare that program's effectiveness, cost, and recidivism rate to other corrections programs for offenders aged 16–25. The evaluation of the post–Boot Camp probation program shall compare that program's effectiveness, cost, and recidivism rate to other probation programs for offenders aged 16–25.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont, H. Hunter, Holt, Redwine, Michaux, Bowie

**EXPAND PRISON SUBSTANCE ABUSE PROGRAMS**

Sec. 20. Of the funds appropriated in this act to the Department of Correction the sum of one million five hundred forty–five thousand three hundred forty–five dollars ($1,545,345) for the 1994–95 fiscal year shall be used to establish a substance abuse program in five or more prisons located near urban areas throughout the State. Each program shall be established in accordance with Article 6 of Chapter 143B of the General Statutes. The funds shall be allocated such that each prison shall provide substance abuse services to no more than 100 inmates.

Requested by: Senators Shaw, Ballance, Odom, Daniel, Plyler,
Representatives Holt, Gist, Redwine, H. Hunter, Michaux, Bowie

**WORK CAMP PILOT PROGRAM**

Sec. 21. (a) The Department of Correction shall develop plans for a pilot program in which the Department enters a partnership with a county or coalition of counties for the operation of a 340–bed work camp located at a site to be agreed upon by the Department of Correction and the county or coalition of counties. The county or coalition of counties shall agree to operate the work camp in exchange for authorization to use the minimum security inmates housed at the camp for work at public facilities and for any other suitable productive labor at sites within the county or coalition of counties entering the agreement.

The plan shall provide for making space available in the work camp in such a manner that judges passing sentence in the General Court of Justice within the county or counties participating in the pilot program may assign defendants to the prison work camp.

(b) The Department of Correction shall report on the plan developed pursuant to this section to the Joint Legislative Commission on Governmental Operations by May 15, 1994.

Requested by: Senators Martin of Guilford, Odom, Ballance, Daniel, Plyler,
Representatives Nesbitt, Diamont, Easterling, Holt, Redwine, Bowie, Michaux

**DEPARTMENT OF CORRECTION/DEPARTMENT OF HUMAN RESOURCES JOINT PLAN/RESERVE FOR SUBSTANCE ABUSE TREATMENT PILOT PROGRAM FOR PAROLEES AND PROBATIONERS**

Sec. 22. (a) Of the funds appropriated in this act to the Department of Correction, the sum of five hundred eighty–three thousand dollars ($583,000) for the

1994–95 fiscal year shall be placed in a reserve for an intensive out–patient substance abuse treatment pilot program for parolees and probationers with serious substance abuse histories, to be allocated as prescribed by the 1993 General Assembly, Regular Session 1994. The Department of Correction and the Department of Human Resources shall jointly develop a plan for the development and implementation of an intensive out–patient substance abuse treatment pilot program for parolees and probationers with serious substance abuse histories. The Departments shall report this plan jointly to the General Assembly not later than May 15, 1994.

(b) In preparing the plan and the report, the Department of Correction and the Department of Human Resources shall consult with the following:

(1) Staff from the Department of Correction Substance Abuse Program;
(2) The Department of Correction Adult Probation and Parole Program;
(3) The Department of Human Resources' Substance Abuse Services;
(4) The Parole Commission, to be renamed the Post–Release Supervision and Parole Commission as of the effective date of the Structured Sentencing Act, Chapters 538 and 539 of the 1993 Session Laws;
(5) Any other State or local programs the Departments consider necessary;
(6) Representatives of business and industry who have an interest in job placement for ex–offender recovering substance abusers; and
(7) Ex–offender recovering substance abusers.

Requested by: Senators Kerr, Cooper, Soles, Daniel, Plyler,
Representatives Holt, Gist, Redwine, Michaux, Bowie

**PROBATION/PAROLE DIVERSION STUDY**

Sec. 23. The Department of Correction, Division of Adult Probation and Parole, shall study the feasibility of diverting probation and parole violators into residential community corrections centers similar to those currently being operated in other states. The study shall examine the possibility of housing probation and parole violators, who currently constitute approximately fifty–three percent (53%) of prison admissions in this State, in separate facilities operated as work camps, substance abuse treatment centers, or any other type of facilities designed to address the special problems of probation and parole violators. The Department of Correction, Division of Adult Probation and Parole, shall report its findings and recommendations to the 1994 Regular Session of the 1993 General Assembly.

Requested by: Senators Hoyle, Cooper, Soles, Daniel, Plyler,
Representatives Nesbitt, Diamont, Redwine, Bowie, Michaux, Holt

**GREATER AFTER PRISON SUPPORT PROGRAM**

Sec. 24. (a) With respect to funds appropriated in this act to the Department of Correction, Division of Prisons, the Greater After Prison Support Program shall report quarterly to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served, the number of clients who complete the prerelease component of the program, and the number of clients who participate in the postrelease component of the program.

(b) The Department of Correction shall track the Greater After Prison Support program with an evaluation model consistent with existing models that show the impact of the program on participants regarding postrelease parole violations, rearrests, and recidivism rates. The Department shall provide a written evaluation of the program to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Subcommittees on Justice and Public Safety, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division by May 15, 1995.

(c) This section becomes effective July 1, 1994.

Requested by: Representatives Nesbitt, Diamont, Holt, Redwine, Michaux, Bowie
Senators Daniel, Plyler, Odom, Ballance

**PROBATION/PAROLE STUDY**

Sec. 25. The Department of Correction shall study methods for reducing the paperwork required of probation and parole officers in order to allow more time for those officers to supervise probationers and parolees. The Department shall report its findings to the Joint Legislative Commission on Governmental Operations, to the Chairs of the House and Senate Appropriations Committees, and to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by May 15, 1994.

Requested by: Senators Lee, Daniel, Plyler,
Representatives Nesbitt, Diamont, Holt, Redwine, Bowie, Michaux

**STUDY OF PRISON ENTERPRISES AND PRISON CANTEEN FUNDS**

Sec. 26. The Department of Correction shall study the use of net profits from Prison Enterprises and Prison Canteen funds. The Department shall report the results of this study no later than May 15, 1994, to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety.

Requested by: Senator Daniel, Representatives Nesbitt, Diamont

**STUDY BUNKING OF INMATES IN SHIFTS**

Sec. 27. The Department of Correction shall study the issue of bunking inmates in shifts and shall report its findings and recommendations to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety. This report shall be made not later than May 15, 1994.

## PART 10. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Senators Cooper, Soles, Daniel, Plyler,
Representatives Gist, Holt, Redwine, Bowie, Michaux

**VICTIMS ASSISTANCE NETWORK FUNDS**

Sec. 28. (a) Of the funds appropriated in this act to the Department of Crime Control and Public Safety, the sum of one hundred fifty thousand dollars ($150,000) for the 1994–95 fiscal year shall be used to support the Victims Assistance Network. These funds shall be used by the Victims Assistance Network to perform the following functions under the direction of and as required by the Department of Crime Control and Public Safety:

(1) Conduct surveys and gather data on crime victims and their needs;
(2) Act as a clearinghouse for crime victims services;
(3) Provide an automated crime victims bulletin board for subscribers;
(4) Coordinate and support the activities of other crime victims advocacy groups;
(5) Identify training needs of crime victims services providers and criminal justice personnel and coordinate training efforts for those persons; and
(6) Provide other services as identified by the Governor's Crime Commission or the Department of Crime Control and Public Safety.

(b) This section becomes effective July 1, 1994.

Requested by: Senators Daniel, Carpenter, Plexico,
Representatives Nesbitt, Diamont, Holt, Redwine, Michaux, Bowie

**STUDY NEED FOR ESTABLISHING FUND TO REWARD FOR INFORMATION LEADING TO CONVICTION OF DRUG DEALERS/STUDY FUNDING CRIME STOPPERS**

Sec. 29. (a) The Department of Crime Control and Public Safety, in consultation with the Department of Correction, shall study the need for a fund to reward

persons providing information leading to the arrest and conviction of drug dealers. The Department shall report to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety. This report shall be made not later than May 15, 1994.

(b) The Department of Crime Control and Public Safety shall study the need for providing funds to North Carolina Crime Stoppers to be used as seed money for new crime stoppers programs and for providing funds for local crime stoppers programs. The Department of Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety. This report shall be made not later than May 15, 1994.

## PART 11. DEPARTMENT OF HUMAN RESOURCES

Requested by: Senators Perdue, Martin of Guilford, Daniel, Plyler, Ballance, Cooper, Odom, Soles, Representatives Barnes, Fitch, Easterling, Holt, H. Hunter, Nye, Nesbitt, Diamont, Redwine

### SUPPORT OUR STUDENTS (S.O.S.) PROGRAM

Sec. 30. (a) Article 3 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 5A. S.O.S. Program.

"**§ 143B-152.1. Establishment of program; purpose; goals.**

(a) There is created in the Department of Human Resources the Support Our Students (S.O.S.) Program. The purpose of the program is to award grants to neighborhood- and community-based organizations to establish local S.O.S. programs that provide high quality after-school activities for school-aged children and provide for comprehensive, collaborative delivery of services by public and nonpublic agencies to these children. These services shall be designed to enrich and make a positive impact on the lives of school-aged children. These after-school activities may include activities after the regular school day and activities on days that students are not required to attend school.

(b) The goals of the program are to:

(1) Reduce juvenile crime in local communities served by the program;

(2) Recruit community volunteers to provide positive adult role models for school-aged children and to help supervise after-school activities;

(3) Reduce the number of students who are unsupervised after school, otherwise known as 'latchkey' children;

(4) Improve the academic performance of students participating in the program;

(5) Meet the physical, intellectual, emotional, and social needs of students participating in the program and improve their attitudes and behavior; and

(6) Improve coordination of existing resources and enhance collaboration so as to provide services to school-aged children effectively and efficiently.

"**§ 143B-152.2. Definitions.**

As used in this Part, 'school-aged children' means children enrolled in kindergarten through the ninth grade.

"**§ 143B-152.3. Administration of the program.**

The Department shall develop and implement the Support Our Students (S.O.S.) Program. The Department shall:

(1) Sponsor a statewide conference each year for teams of interested representatives to provide background information and assistance regarding all aspects of the program;

(2) Disseminate information regarding the program to interested neighborhood and community groups;

(3) Develop and disseminate a request for applications to establish local S.O.S. programs;

(4) Provide initial technical assistance to grant applicants and ongoing technical assistance as grants are implemented;
(5) Administer funds appropriated by the General Assembly;
(6) Monitor the grants funded;
(7) Revoke a grant if necessary or appropriate;
(8) Develop and implement a performance–based evaluation system to evaluate the program, in accordance with G.S. 143B–152.7(a);
(9) Report on the program implementation to the General Assembly, the Joint Legislative Committee on Governmental Operations, and the Office of the Governor, in accordance with G.S. 143B–152.7(b); and
(10) Adopt any rules necessary to implement this Part.

"**§ 143B–152.4. Eligible applicants; application for grants.**

(a) A community– or neighborhood–based 501(c)(3) entity or a consortium consisting of one or more local 501(c)(3) entities and one or more local school administrative units may apply for a grant.

(b) Applicants for grants shall submit to the Department an application that includes the following information:

(1) Identification of one or more neighborhoods to be served by the local S.O.S. program, based on a needs assessment of existing conditions for school–aged children to be served. Data used in the needs assessment may include for each neighborhood to be served by a local program (i) dropout statistics, (ii) the number and percentage of school–aged children who participate in the federal subsidized lunch program, (iii) the number of suspensions and expulsions involving school–aged children, (iv) the number of children to be served, (v) the number and percentage of students with two working parents or one single parent to be served at a site, (vi) the incidence of juvenile crime in the neighborhood, and (vii) any other relevant or unique local demographic data.

Local authorities shall provide this or related information on a timely basis to local 501(c)(3) entities submitting applications to establish local S.O.S. programs;

(2) A three–year plan that addresses data used in the needs assessment and that includes proposed goals and anticipated outcomes of the local S.O.S. program. The plan shall be prepared after consultation with local after–school programs, schools, community organizations or groups which have as their purpose assisting or helping school–aged children who are at risk of failing in school or entering the juvenile justice system, or other appropriate groups. In addition, the three–year plan shall provide for regular collaborative efforts to seek input and advice from parents of the students being served and from other citizens who reflect the demographic conditions of the students being served;

(3) A statement of how grant funds would be used to address local problems and what other resources would be used to address the problems. This statement should include a list of services to be offered that are related to the goals and outcomes and should include plans for recruiting volunteers to assist in the program's activities; and

(4) A process for assessing on an annual basis the success of the local plan for addressing the goals of the local S.O.S. program.

"**§ 143B–152.5. Grants review and selection.**

(a) The Department shall develop and disseminate a request for applications and establish procedures to be followed in developing and submitting applications to establish local S.O.S. programs and administering grants to establish local S.O.S. programs.

(b) The Secretary of Human Resources shall appoint a State task force to assist the Secretary in reviewing grant applications. The State task force shall include representatives of the Department of Human Resources, the Department of Public Instruction,

local school administrative units, educators, parents, the juvenile justice system, social services, and governmental agencies providing services to children, and other members the Secretary considers appropriate. In appointing the State task force, the Secretary shall consult with the Superintendent of Public Instruction in an effort to coordinate the membership of this State task force, the State task force appointed by the Secretary pursuant to G.S. 143B–152.14, and the State task force appointed by the Superintendent pursuant to G.S. 115C–238.42.

In reviewing grant applications, the Secretary and the State task force may consider (i) the severity of the local problems as determined by the needs assessment data, (ii) the likelihood that the locally designed plan will result in high quality after–school services for school–aged children, (iii) evidence of local collaboration and coordination of services, (iv) any innovative or experimental aspects of the plan that will make it a useful model for replication in other neighborhoods and communities, and (v) any other factors which affect the well–being of school–aged children.

(c) In determining the amount of funds an applicant receives, the Secretary and the State task force may consider (i) the number of children to be served, (ii) the number and percentage of children to be served who participate in the subsidized lunch program, (iii) the number and percentage of school–aged children with two working parents or one single parent to be served, (iv) the availability of other resources or funds, and (v) the amount needed to implement the proposal.

(d) The Secretary shall award the grants.

"**§ 143B–152.6. Cooperation of State and local agencies.**

All agencies of the State and local government, including departments of social services, health departments, local mental health, mental retardation, and substance abuse authorities, court personnel, law enforcement agencies, The University of North Carolina, the community college system, and cities and counties, shall cooperate with the Department of Human Resources, and local nonprofit corporations that receive grants in coordinating the program at the State level and in implementing the program at the local level. The Secretary of Human Resources, after consultation with the Superintendent of Public Instruction, shall develop a plan for ensuring the cooperation of State agencies and local agencies, and encouraging the cooperation of private entities, especially those receiving State funds, in the coordination and implementation of the program.

"**§ 143B–152.7. Program evaluation; reporting requirements.**

(a) The Department of Human Resources shall develop and implement an evaluation system that will assess the efficiency and effectiveness of the S.O.S. Program. The Department shall design this system to:

(1) Provide information to the Department and to the General Assembly on how to improve and refine the programs;

(2) Enable the Department and the General Assembly to assess the overall quality, efficiency, and impact of the existing programs;

(3) Enable the Department and the General Assembly to determine whether to modify the S.O.S. Program; and

(4) Provide a detailed fiscal analysis of how State funds for these programs were used.

(b) The Department shall report to the General Assembly and the Joint Legislative Commission on Governmental Operations by May 15, 1994, on its progress in developing the evaluation system and in developing and implementing the program. It shall report prior to February 1, 1995, on the evaluation system developed by the Department and on program implementation. The Department shall present an annual report on October 1, 1995, and annually thereafter to the General Assembly and to the Joint Legislative Commission on Governmental Operations on the implementation of the program and the results of the program evaluation.

The Department shall also report annually to the Joint Legislative Commission on Governmental Operations and to the Governor on the implementation of the S.O.S. Program.

(c) A local 501(c)(3) entity or consortium that receives a grant under this Part shall report by August 1 of each year to the Department on the implementation of the program.

This report shall demonstrate the extent to which the local S.O.S. Program has met the local needs, goals, and anticipated outcomes as set forth in the grant applications."

(b) Of the funds appropriated to the Department of Human Resources for the S.O.S. Program for the 1994–95 fiscal year, the Department may use up to two hundred thousand dollars ($200,000) to administer the S.O.S. Program, to provide technical assistance to applicants and to S.O.S. programs, and to evaluate the local S.O.S. programs. The Department may contract with appropriate public or nonprofit agencies to provide the technical assistance, including training and related services.

(c) It is the goal of the General Assembly that wherever possible programs that receive grants for the 1994–95 fiscal year shall begin no later than July 1, 1994.

(d) In awarding grants under the S.O.S. Program, the Department shall ensure that the continuation costs to the State of the Program in subsequent fiscal years do not exceed the cost of the Program for the 1994–95 fiscal year.

(e) Notwithstanding G.S. 143–23, and with the approval of the Office of State Budget and Management, the Department of Human Resources may use up to two hundred thousand dollars ($200,000) of the funds appropriated or otherwise available for the 1993–94 fiscal year to begin implementation of this section prior to July 1, 1994. The amount available to implement this section for the 1994–95 fiscal year shall be reduced by the amount spent prior to July 1, 1994.

Requested by: Senators Perdue, Martin of Guilford, Daniel, Plyler, Ballance, Cooper, Odom, Soles, Representatives Barnes, Fitch, Easterling, Holt, H. Hunter, Nye, Nesbitt, Diamont, Redwine

**FAMILY RESOURCE CENTER GRANT PROGRAM**

Sec. 31. (a) Article 3 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 5B. Family Resource Center Grant Program.

**"§ 143B–152.10. Family Resource Center Grant Program; creation; purpose; intent.**

(a) There is created in the Department of Human Resources the Family Resource Center Grant Program. The purpose of the program is to provide grants to establish family resource centers that provide services to children from birth through elementary school age and to their families that:

(1) Enhance the children's development and ability to attain academic and social success;

(2) Ensure a successful transition from early childhood education programs and child care to the public schools;

(3) Assist families in achieving economic independence and self–sufficiency; and

(4) Mobilize public and private community resources to help children and families in need.

(b) It is the intent of the General Assembly to encourage and support broad–based collaboration among public and private agencies and among people who reflect the racial and socioeconomic diversity in communities to develop initiatives that (i) prepare children to learn effectively and to have a successful school experience, (ii) enhance the ability of families to become advocates for and supporters of education for the children in their families, and (iii) enhance the ability of families to function as nurturing and effective family units.

(c) It is further the intent of the General Assembly that this program shall be targeted to those neighborhoods that have disproportionately high levels of (i) children who would be less likely to attain educational or social success, (ii) families with low incomes, and (iii) crime and juvenile delinquency.

**"§ 143B–152.11. Administration of program.**

The Department of Human Resources shall develop and implement the Family Resource Center Grant Program. The Department shall:

(1) Sponsor a statewide conference for teams of interested representatives to provide background information and assistance regarding all aspects of the program;

(2) Disseminate information regarding the program to interested local community groups;
(3) Provide initial technical assistance and ongoing technical assistance to grant recipients;
(4) Administer funds appropriated by the General Assembly;
(5) Monitor the grants funded and the ongoing operations of family resource centers;
(6) Revoke a grant if necessary or appropriate;
(7) Report to the General Assembly and the Joint Legislative Commission on Governmental Operations, in accordance with G.S. 143B-152.15; and
(8) Adopt rules to implement this Part.

**"§ 143B-152.12. Eligible applicants; applications for grants.**

(a) A community- or neighborhood-based 501(c)(3) entity or a consortium consisting of one or more local 501(c)(3) entities and one or more local school administrative units may apply for a grant.

(b) Applicants for grants shall identify the neighborhood or neighborhoods whose children and families will be served by a family resource center. The decision-making process for identifying and establishing family resource centers shall reflect the racial and socioeconomic diversity of the neighborhood or neighborhoods to be served.

(c) A grant application shall include a process for assessing on an annual basis the success of the local plan in addressing problems.

**"§ 143B-152.13. Grants review and selection.**

(a) The Department shall develop and disseminate a request for applications and establish procedures to be followed in developing and submitting applications to establish local family resource centers and administering grants to establish local family resource centers.

(b) The Secretary of Human Resources shall appoint a State task force to assist the Secretary in reviewing grant applications. The State task force shall include representatives of the Department of Human Resources, the Department of Public Instruction, local school administrative units, educators, parents, the juvenile justice system, social services, and governmental agencies providing services to children, and other members the Secretary considers appropriate. In appointing the State task force, the Secretary shall consult with the Superintendent of Public Instruction in an effort to coordinate the membership of this State task force, the State task force appointed by the Secretary pursuant to G.S. 143B-152.5, and the State task force appointed by the Superintendent pursuant to G.S. 115C-238.42.

In reviewing grant applications, the Secretary and the State task force may consider (i) the severity of the local problems as determined by the needs assessment data, (ii) the likelihood that the locally designed plan will result in high quality services for children and their families, (iii) evidence of local collaboration and coordination of services, (iv) any innovative or experimental aspects of the plan that will make it a useful model for replication in other counties, (v) the availability of other resources or funds, (vi) the incidence of crime and juvenile delinquency, (vii) the amount needed to implement the proposal, and (viii) any other factors consistent with the intent of this Part.

(c) In determining the amount of funds an applicant receives, the Secretary and the State task force may consider (i) the number of children to be served, (ii) the number and percentage of children to be served who participate in the subsidized lunch program, (iii) the number and percentage of school-aged children to be served with two working parents or one single parent, (iv) the availability of other resources or funds, and (v) the amount needed to implement the proposal.

(d) The Secretary shall award the grants.

**"§ 143B-152.14. Cooperation of State and local agencies.**

All agencies of the State and local government, including departments of social services, health departments, local mental health, mental retardation, and substance abuse authorities, court personnel, law enforcement agencies, The University of North Carolina, the community college system, and cities and counties, shall cooperate with

the Department of Human Resources, and local nonprofit corporations that receive grants in coordinating the program at the State level and in implementing the program at the local level. The Secretary of Human Resources, after consultation with the Superintendent of Public Instruction, shall develop a plan for ensuring the cooperation of State agencies and local agencies and encouraging the cooperation of private entities, especially those receiving State funds, in the coordination and implementation of the program.

"**§ 143B-152.15. Program evaluation; reporting requirements.**

(a) The Department of Human Resources shall develop and implement an evaluation system that will assess the efficiency and effectiveness of the Family Resource Center Grant Program. The Department shall design this system to:

(1) Provide information to the Department and to the General Assembly on how to improve and refine the programs;

(2) Enable the Department and the General Assembly to assess the overall quality, efficiency, and impact of the existing programs;

(3) Enable the Department and the General Assembly to determine whether to modify the Family Resource Center Grant Program; and

(4) Provide a detailed fiscal analysis of how State funds for these programs were used.

(b) The Department shall report to the General Assembly and the Joint Legislative Commission on Governmental Operations by May 15, 1994, on its progress in developing the evaluation system and in developing and implementing the program. It shall report prior to February 1, 1995, on the evaluation system developed by the Department and on program implementation. The Department shall present an annual report on October 1, 1995, and annually thereafter to the General Assembly and to the Joint Legislative Commission on Governmental Operations on the implementation of the program and the results of the program evaluation.

(c) A local 501(c)(3) entity or consortium that receives a grant under this Part shall report by August 1 of each year to the Department on the implementation of the program. This report shall demonstrate the extent to which the local family resource center has met the local needs, goals, and anticipated outcomes as set forth in the grant application."

(b) Of the funds appropriated to the Department of Human Resources for the Family Resource Center Grant Program for the 1994–95 fiscal year, the Department may use up to two hundred thousand dollars ($200,000) to administer the Family Resource Center Grant Program, to provide technical assistance to applicants and to local family resource centers, and to evaluate the local family resource centers. The Department may contract with appropriate public or nonprofit agencies to provide the technical assistance, including training and related services.

(c) It is the goal of the General Assembly that wherever possible programs that receive grants for the 1994–95 fiscal year shall begin no later than July 1, 1994.

(d) In awarding grants under the Family Resource Center Grant Program, the Department shall ensure that the continuation costs to the State of the program in subsequent fiscal years do not exceed the cost of the program for the 1994–95 fiscal year.

(e) Notwithstanding G.S. 143–23, and with the approval of the Office of State Budget and Management, the Department of Human Resources may use up to two hundred thousand dollars ($200,000) of the funds appropriated or otherwise available for the 1993–94 fiscal year to begin implementation of this section prior to July 1, 1994. The amount available to implement this section for the 1994–95 fiscal year shall be reduced by the amount spent prior to July 1, 1994.

Requested by: Senators Martin of Guilford, Perdue, Daniel, Plyler, Representatives Nesbitt, Diamont, Easterling, Nye, H. Hunter, Fitch, Holt, Gardner, Dickson

**ANNUAL EVALUATION OF WILDERNESS CAMP, COACH MENTOR TRAINING, AND GOVERNOR'S ONE-ON-ONE PROGRAMS**

Sec. 32. (a) The Department of Human Resources shall conduct an annual evaluation of the Wilderness Camp, Coach Mentor Training, and Governor's One-on-

One Programs. The results of the evaluation shall be submitted to the State Auditor for further review and comment. The State Auditor shall transmit the evaluation along with any comments to the Joint Legislative Commission on Governmental Operations no later than October 1 of each year covering the program for the prior fiscal year. In conducting the evaluation, among other things, the focus shall be on directing youth toward long–term positive and productive noncriminal behavior. The review shall be qualitative and quantitative.

(b) In addition to the evaluations required in subsection (a) of this section, the Department of Human Resources shall make an interim evaluation of the Coach Mentor Training Program to the General Assembly not later than May 15, 1994. The interim evaluation shall provide information on how the Department plans to expend funds allocated for this Program.

Requested by: Senators Martin of Guilford, Perdue, Daniel, Plyler, Representatives Nesbitt, Diamont, Nye, Easterling, H. Hunter, Fitch, Holt, Gardner, Dickson

**GOVERNOR'S ONE–ON–ONE PROGRAM FUNDS ALLOCATION**

Sec. 33. Funds appropriated in this act to the Department of Human Resources, Division of Youth Services for the Governor's One–on–One Program shall be used to increase the funding for each of the existing programs and to provide funding for new programs to bring the number of programs up to at least a total of 65 programs at funding levels of thirty thousand dollars ($30,000) for each full–time program, fifteen thousand dollars ($15,000) for each half–time program, and sixty thousand dollars ($60,000) for each double program.

Requested by: Senators Perdue, Martin of Guilford, Winner of Mecklenburg, Daniel, Plyler, Representatives Nesbitt, Diamont, Easterling, Nye, H. Hunter, Fitch, Holt, Gardner, Dickson

**ALTERNATIVES TO DETENTION PROGRAM**

Sec. 34. (a) Of the funds appropriated in this act to the Department of Human Resources, Division of Youth Services, the sum of one hundred twenty–five thousand dollars ($125,000) for the 1993–94 fiscal year and the sum of five hundred thousand dollars ($500,000) for the 1994–95 fiscal year shall be used to establish the Alternatives to Detention Program in selected district court judicial districts that do not currently have them.

(b) The Department of Human Resources shall perform an evaluation of how the expanded Alternatives to Detention Program affects admission to juvenile detention facilities and shall report the results of this evaluation to the General Assembly by March 1, 1995.

(c) This section becomes effective April 1, 1994.

Requested by: Representatives Barnes, Easterling, Nye, Holt, H. Hunter, Fitch, Gardner, Dickson, Senators Martin of Guilford, Perdue, Tally, Daniel, Plyler

**COMMUNITY–BASED ALTERNATIVE FUNDS**

Sec. 35. (a) G.S. 7A–289.13 reads as rewritten:

"**§ 7A–289.13. Legislative intent.**

The General Assembly hereby declares its intent to reduce the number of children committed by the courts for delinquency to institutions operated by the Division of Youth ~~Development,~~ Services, Department of Human Resources or other State agencies. The primary intent of this Article is to provide a comprehensive plan for the development of community–based alternatives to training school commitment so that 'status offenders' (defined by this Article to include 'those juveniles guilty of offenses which would not be violations of the law if committed by an adult') may be eliminated from the youth development institutions of this State. Additionally it is the intent of this legislation to provide noninstitutional disposition options in any case before the juvenile court where ~~such~~ this disposition is ~~deemed to be~~ considered in the best interest of the child and the community.

The policy and intent of the General Assembly in delinquency prevention and community–based services can be summarized as follows:

(1) ~~Such~~ These programs ~~should~~ shall be planned and organized at the community level within the State, and ~~such~~ these planning efforts ~~should~~

shall include appropriate representation from local government, local public and private agencies serving families and ~~children (both public and private),~~ children, local business leaders, citizens with an interest in youth problems, youth representatives, and others as may be appropriate in a particular community. The role of the State ~~should~~ shall be to provide technical assistance, access to funding, and program information, and to assist local leadership in appropriate planning.

(1a) As a prerequisite for receiving funding for Community–Based Alternatives, each county shall appoint a Community–Based Alternatives Youth Services Advisory Committee and shall update and revise the Committee's membership to ensure appropriate representation. As vacancies occur on Community–Based Alternatives Youth Services Advisory Committees or as new committees are appointed, The Committee members shall be reflective of the racial and socioeconomic diversity of the community.

(1b) The Community–Based Alternatives Youth Services Advisory Committee required by subdivision (1a) of this section shall annually review the needs of troubled juveniles within its county, develop and advertise a Request for Proposal process, and submit a written Plan of Action for the expenditure of Community–Based Alternatives funds to the county for its approval. Upon the county's authorization, the Plan shall be submitted to the Department of Human Resources for final approval and subsequent implementation.

(1c) The Division of Youth Services shall develop and implement uniform standards for each county's Community–Based Alternatives Youth Services Advisory Committee's annual certification and written requirements for program planning including a standard format for the Request for Proposal.

(2) When a child is adjudicated to be within the juvenile jurisdiction of the district ~~court~~ court, ~~such~~ this child should be carefully evaluated through the available community–level ~~resources (including~~ resources, including mental health, social services, public health and other available medical services, public schools, and ~~others as appropriate)~~ other appropriate services, prior to the juvenile hearing dealing with disposition so that the disposition of the court may be made with an understanding of the needs of the child and after consideration of the resources available to meet these needs.

(3) It is contrary to the policy of the State for a court to separate a child from ~~his~~ the child's own family or commit a child to an institution or training school without a careful evaluation of the needs of the child.

(4) The General Assembly finds that State and local government ~~should~~ shall be responsive to the need for community–based services ~~which~~ that would provide a viable alternative to commitment to an institution or training school. The General Assembly intends that State government should be responsive to this need through the Department of Human Resources by helping public and private local groups to plan, ~~develop~~ develop, and fund community–based programs, both residential and nonresidential. ~~It is recognized~~ The General Assembly recognizes that ~~such~~ these efforts will require the cooperation of several major State departments in addition to Human Resources, such as the Department of Public Instruction, the Administrative Office of the Courts, and the Governor's Crime ~~Commission.~~ Commission of the Department of Crime Control and Public Safety.

(5) It is the intent of the General Assembly that the Secretary of the Department of Human Resources develop a funding mechanism that will provide State support for programs that meet the standards as developed under the provisions of this Article.

The Secretary of the Department of Human Resources shall adopt rules to implement this section."

(b) Of the funds appropriated to the Department of Human Resources, Division of Youth Services, in this act, the sum of five million dollars ($5,000,000) for the 1994–95 fiscal year shall be used to expand Community–Based Alternatives services. Of these funds, four million dollars ($4,000,000) shall be allocated per capita among the counties, based on the number of children in the county between the ages of 10 and 17, and one million dollars ($1,000,000) shall be allocated evenly among all counties.

The Community–Based Alternatives Youth Services Advisory Committee shall annually review the needs of troubled youth and submit a written Plan of Action to the county board of commissioners for approval, in accordance with G.S. 7A-289.13(1b). In those counties that have a commitment rate above one person per thousand, the plan shall describe how these additional funds will be used to reduce the county commitment rate. In those counties that have a commitment rate at or less than one per thousand, the plan shall specify how the funds will be used to maintain or reduce the commitment rate. The plan shall provide for the county to use funds appropriated in this section to purchase care or services from local public agencies and private nonprofit 501(c)(3) corporations and housing authorities providing delinquency prevention programs or community–based services. The plan shall emphasize the provision of services for children against whom a complaint of delinquency has been made, regardless of whether the juvenile was diverted to a community resource or adjudicated delinquent. The approved plan shall then be submitted to the Division of Youth Services for approval.

(c) These funds shall be matched by each county as currently required by the Division of Youth Services.

Requested by: Senators Martin of Guilford, Perdue, Daniel, Plyler,
Representatives Nesbitt, Diamont, Easterling, Nye, H. Hunter, Fitch, Holt, Gardner, Dickson

**DHR STUDY OF DIVISION OF YOUTH SERVICES' PROGRAMS AND SERVICES**

Sec. 36. (a) The Department of Human Resources shall conduct a comprehensive study of the Division of Youth Services' juvenile justice system in order to ensure the efficacy, cost–effectiveness, and optimal utilization of the system and its continuum of services. The Department may contract with an independent consultant to assist it in its study. The Administrative Office of the Courts, the Department of Correction, and any other State or local agencies the Department considers have a role in the juvenile justice system shall cooperate with the Department in its study.

The Department shall convene an advisory panel to assist it in its study. This panel shall consist of the Administrative Officer of the Courts, as many juvenile court judges as the Department considers necessary, three Senators recommended by the President *Pro Tempore* of the Senate, three Representatives recommended by the Speaker of the House of Representatives, and any others the Department considers necessary.

Members of this advisory panel shall receive the subsistence and travel expenses set forth in Chapter 120 and Chapter 138 of the General Statutes, as appropriate.

(b) This study shall include:

(1) An analysis, including an assessment of safety risks to community and staff, of the current training school population;

(2) An assessment of adult and juvenile recidivism rates of recent training school residents;

(3) An analysis of the cost and success of dispositions of juvenile offenders who are placed on probation or assigned to other programs;

(4) An evaluation of the Community–Based Alternative Program;

(5) An assessment of the juvenile offender systems and programs used in other states;

(6) The development of a plan for an early warning system by which potential youthful offenders are identified at a very early age so that intervention can be made to prevent adverse outcomes;

(7) Diagnostic assessment of all youth in training schools and detention centers to determine if each youth has been properly placed. The assessment criteria shall conform to standards developed by the Division of Youth Services, juvenile court counselors, and mental health/substance abuse services professionals;

(8) An evaluation of vocational education in the training schools;

(9) An analysis of other services and treatments offered in training schools;

(10) Alternatives to detention and to training schools;

(11) Proposals for appropriate reforms of the current dispositional system that will help juvenile offenders become productive citizens, control costs, and protect the public safety;

(12) Recommendations to enable accountability and evaluation of outcomes of juvenile programs and dispositions, including recommendations for system changes that will enable tracking of participants in juvenile offender programs into the adult criminal and other juvenile offender programs; and

(13) Recommendations concerning whether a commission should be established to periodically review and evaluate the juvenile justice system and the composition of such a commission if established.

(c) The study components should be measured by whether the juvenile justice system provides:

(1) Skills to develop positive self–concept, the ability to analyze and understand consequences of their choices, the ability to accept responsibility for one's own action, and to develop positive interpersonal relationships;

(2) Opportunity for educational achievement and acquisition of usable job skills;

(3) Skills for remaining free from substance abuse, violence, and criminal activity;

(4) Opportunity to involve family members and other significant individuals in the rehabilitative and treatment processes;

(5) Effective support systems for juveniles and their family members that are designed to increase the prospect of achieving and maintaining long–term program goals;

(6) Program methodologies and staff training and development that is consistent and correlates with program goals; and

(7) Evidence of effective and efficient client–focused collaborative and cooperative service delivery arrangements with other public and private agencies.

(d) The Department shall complete this study by November, 1, 1994, and shall report the results of this study to the 1995 General Assembly by March 1, 1995.

(e) Of the funds appropriated to the Department of Human Resources, the sum of one hundred fifty thousand dollars ($150,000) for the 1993–94 fiscal year shall be used to fund this study. Any of these funds that are unexpended at the end of the 1993–94 fiscal year shall not revert but shall remain available to complete the study required by this section.

Requested by: Representatives Nesbitt, Diamont, Nye, Easterling, H. Hunter, Fitch, Holt, Gardner, Dickson,
Senators Daniel, Plyler

**DIRECTOR OF JOINT SECURITY FORCE**

Sec. 37. The Secretary of the Department of Human Resources shall designate the Director of the Juvenile Evaluation Center as the Director of the Joint Security Force established in G.S. 122C–421, serving the territory of the Black Mountain Center, the Alcohol Rehabilitation Center, and the Juvenile Evaluation Center, all in Buncombe County, and having the power prescribed by G.S. 7A–571(4) and G.S. 122C–421 outside the territory embraced by the named centers but within the confines of Buncombe County.

## PART 12. JUDICIAL DEPARTMENT

Requested by: Senators Kerr, Cooper, Soles, Daniel, Plyler,
Representatives Nesbitt, Diamont, Holt, Redwine, Bowie, Michaux

### DEFERRED PROSECUTION STUDY

Sec. 38. The Administrative Office of the Courts, in consultation with the North Carolina Conference of District Attorneys, shall study the problem of underutilization of the deferred prosecution program established in G.S. 143B–475.1 and shall recommend methods for encouraging greater use of the program across the State. The Administrative Office of the Courts shall report its findings and recommendations to the 1995 General Assembly.

Requested by: Senators Conder, Ballance, Odom, Daniel, Plyler,
Representatives Nesbitt, Diamont, Holt, Redwine, Michaux, Bowie

### DISTRICT ATTORNEY ACCESS TO POLICE INFORMATION NETWORK

Sec. 39. (a) Funds appropriated in this act to the Judicial Department for the 1993–94 fiscal year to provide access to the Police Information Network that are not expended by the end of the fiscal year shall not revert, but shall remain available for the next fiscal year.

(b) This section becomes effective April 1, 1994.

Requested by: Representatives Nesbitt, Diamont, Gist, Holt, Redwine, Bowie, Michaux,
Senators Daniel, Plyler, Cooper, Soles

### TEEN COURT PROGRAM FUNDS

Sec. 40. (a) Of the funds appropriated in this act to the Judicial Department, the sum of seventy–five thousand dollars ($75,000) for the 1994–95 fiscal year shall be used to develop and implement "teen court" programs in judicial districts to be selected by the Administrative Office of the Courts. These programs are to be made available to junior and senior high schools within the selected judicial districts. Any grant application shall be reviewed and approved by the chief district court judge for the district in which the program is to be conducted. Grants from the Administrative Office of the Courts to any local agency or authority shall be used to develop and implement programs that meet either or both of the following objectives:

(1) Development and implementation of a "teen court" program as a community resource for the selected judicial districts. Cases in which a juvenile allegedly commits an offense within the jurisdiction of the juvenile court, as specified in the teen court plan, which offense, if committed by an adult, would constitute a crime or infraction, may be diverted by law enforcement or the court, or referred by Intake Services, to "teen court" to be "sentenced" by a jury of the juvenile's peers. The plan shall specify the kinds of offenses that are appropriate for referral to teen court. "Sentences" may include counseling, restitution, curfews, or community service, as well as other rehabilitative measures; or

(2) "Teen court" model programs made available to all junior and senior high school students in the selected judicial districts to handle problems that develop at school but that have not been turned over to the juvenile authorities.

(b) The Administrative Office of the Courts shall distribute the funds to grantees in quarterly payments beginning July 1994 and ending April 1995. Grantees shall provide the Administrative Office of the Courts with quarterly reports as to the expenditure of funds and relevant statistical data.

(c) Grantees of the funds shall report at least annually to the Administrative Office of the Courts and to officials of the selected judicial districts. The Administrative Office of the Courts shall evaluate the effectiveness of the programs and report its findings and any recommendations by March 15, 1995, to the Joint Legislative Commission on Governmental Operations and to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

(d) In addition to the reports required in subsection (d) of Section 80 of Chapter 561 of the 1993 Session Laws, the Administrative Office of the Courts shall make an interim report by May 15, 1994, on the effectiveness of the Cumberland County "Teen Court" program established pursuant to Section 80 of Chapter 561 of the 1993 Session Laws.

Requested by: Representatives Nesbitt, Diamont, Gist, Holt, Redwine, Michaux, Bowie, Senators Daniel, Plyler

**RESERVE FOR COURT/DRUG TREATMENT PROGRAM**

Sec. 41. There is created in the Judicial Department a Reserve for Court/Drug Treatment Program. Of the funds appropriated in this act to the Judicial Department, the sum of eight hundred thousand dollars ($800,000) for the 1994–95 fiscal year shall be held in this reserve. The funds in this reserve shall be allocated as prescribed by the 1993 General Assembly, Regular Session 1994.

**PART 14. INTERVENTION/PREVENTION INITIATIVES**

Requested by: Representatives Barnes, Fitch, Easterling, Gardner, H. Hunter, Black, Russell, Arnold, Redwine, Bowie, Nesbitt, Diamont, Holt, Hensley,
Senators Gunter, Perdue, Martin of Guilford, Daniel, Plyler, Ballance, Cooper, Odom, Soles

**SCHOOL–BASED PROGRAM GRANTS**

Sec. 42. (a) The General Assembly finds that:

(1) Growing numbers of children live in conditions that place them at risk of school failure;

(2) The provision of school and support services to these children and their families by public and nonprofit agencies is fragmented and does not prepare these children to learn effectively and have a successful school experience;

(3) The lack of collaboration among schools, families, local agencies, and other groups involved in family support and youth development activities results in the inefficient and ineffective use of resources to meet the needs of these children;

(4) Schools are dedicating an increasing amount of their time and resources to responding to disruptive and violent behavior rather than fulfilling their mission to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential;

(5) The relationships between school failure, disruptive and violent behavior in schools, unemployment, and criminal behavior are clear;

(6) Responding to the needs of students who are at risk of school failure and providing for a safe and secure learning environment are cost–effective because it enables the State to substitute preventive measures for expensive crisis intervention; and

(7) Differing local needs and local resources necessitate the development of locally generated, community–based plans that coordinate and leverage existing resources, not the imposition of uniform and inflexible, State–mandated plans;

therefore, of the funds appropriated to Aid to Local School Administrative Units by this act, the sum of twelve million dollars ($12,000,000) shall be used for the 1994–95 fiscal year to implement the Intervention/Prevention Grant Program for North Carolina School Children.

(b) Article 16 of Chapter 115C of the General Statutes is amended by adding a new Part to read:

"Part 8. Intervention/Prevention
Grant Program for North Carolina School Children.

"**§ 115C–238.40. Establishment of program; purpose.**

There is established the Intervention/Prevention Grant Program for North Carolina School Children. The purpose of the program is to provide grants to local school

administrative units for locally designed innovative local programs that target juvenile crime by (i) enhancing educational attainment through coordinated services to respond to the needs of students who are at risk of school failure and at risk of participation in juvenile crime and (ii) providing for a safe and secure learning environment.

**"§ 115C-238.41. Applications for grants.**

(a) A local school administrative unit may apply for a grant, or up to three adjacent local school administrative units may apply jointly for a grant.

(b) In preparing grant applications, an applicant shall consult with a local task force appointed by the county board of commissioners and comprised of educators, parents, students, community leaders, and representatives of the juvenile justice system, human services, and nongovernmental agencies providing services to children. To the extent possible, the task force shall be representative of the racial and socioeconomic composition of the geographic area to be served by the grant. If a local school administrative unit or the geographic area covered by a grant proposal is located in more than one county, the board of commissioners of the counties shall jointly appoint the task force.

(c) The application shall include the following information:

(1) Data on the incidence of juvenile crime in the geographical area to be served by the grant. Sources of data may include the chief juvenile court counselor in the judicial district, the clerk of superior court, and local law enforcement officials.

(2) An assessment of local resources from all sources for, and local deficiencies with regard to, responding to the needs of children who live in conditions that place them at risk of school failure. This assessment shall be prepared by the local task force.

(3) A detailed plan for removing barriers to success in school that exist for these children and for minimizing disruptive and violent behavior among all students. This plan shall include proposed goals and anticipated outcomes, prepared after consultation with the task force. This plan shall provide for the establishment or expansion of programs that have components based on one or more of the following models or other collaborative models:

a. School-based Resource Center Model. — A School-based Resource Center is a school-based center that coordinates the delivery of comprehensive and integrated services in or near a school to children from kindergarten through the eighth grade and their families. Services are provided through broad-based collaboration among governmental and nongovernmental agencies and persons reflective of the racial and socioeconomic diversity in a community. Services are designed to (i) prepare children to attain academic and social success, (ii) enhance the ability of families to become advocates for and supporters of education for the children in their families, (iii) provide parenting classes to the parents of children who are at risk of school failure, and (iv) otherwise enhance the ability of families to function as nurturing and effective family units.

b. After School Program Model. — An After School Program is a program that provides high quality educationally appropriate and recreational activities to students after the regular school day. The program may be targeted toward providing academic support for students who perform significantly below their age-level peers or for students with learning disabilities. Local boards of education may permit teachers to adjust their work schedules so they can work in the program.

c. Cities in Schools Program Model. — A Cities in Schools Program is a community partnership among public agencies, private nonprofit agencies, volunteer organizations, and local businesses that delivers services to students who are at risk of dropping out of

school or who display discipline problems. Services offered are based on an assessment of local needs and resources.

d. Alternative Learning Program Model. — An Alternative Learning Program is a program that provides individualized programs outside of a standard classroom setting in a caring atmosphere in which students learn the skills necessary to redirect their lives and return to a standard classroom setting. The program should maintain State standards and may include smaller classes and lower student/teacher ratios, school–to–work transition activities, modification of curriculum and instruction to meet individual needs, flexible scheduling, and necessary academic, vocational, and support services for students and their families. Services may also include appropriate measures to correct disruptive behavior, teach responsibility, good citizenship, and respect for rules and authority.

The goals of the alternative school programs should be to (i) reduce the school dropout rate through improved student attendance, behavior, and educational achievement; and (ii) increase successful school–to–work transitions for students through educationally linked job internships, mentored job shadowing experiences, and the development of personalized education and career plans for participating students.

e. Safe Schools Program Model. — A Safe Schools Program is a locally designed program for making schools safe for students and school employees. The program may involve peer mediation and conflict resolution activities.

(4) A statement of whether and to what extent the local board of education intends to contract with local, private, nonprofit 501(c)(3) corporations to staff, operate, or otherwise provide services for one or more elements of the plan. Local boards are encouraged to contract for services, when appropriate.

(5) A statement of (i) how the grant funds would be used to address these local problems, (ii) what other resources, including Safe Schools Grants, Chapter 1 funds, Chapter 2 block grant funds, dropout prevention funds, Basic Education Program funds, remediation funds, small school system supplemental funds, and low–wealth counties supplemental funds, would be used to address the problems, and (iii) how all available community resources and the components of the proposed plan would be coordinated to enhance the effectiveness of existing services and of services proposed in the plan.

(6) A statement of how the proposed plan would assist a local school administrative unit in implementing the local school improvement plan.

(7) A process for assessing on an annual basis the success of the local plan in addressing problems.

"**§ 115C–238.42. Review of applications.**

(a) The Superintendent of Public Instruction shall appoint a State task force to assist the Superintendent in reviewing grant applications. The State task force shall include representatives of the Department of Public Instruction, the Department of Human Resources, local school administrative units, educators, parents, the juvenile justice system, social services, and governmental agencies providing services to children, and other members the Superintendent considers appropriate. In appointing the State task force, the Superintendent shall consult with the Secretary of Human Resources in an effort to coordinate the membership of this State task force and those appointed by the Secretary pursuant to G.S. 143B–152.5 and G.S. 143B–152.13.

In reviewing grant applications, the Superintendent and the State task force shall consider the prevalence of underserved students and families in low–income neighborhoods and in isolated rural areas in the area for which the grant is requested, the

severity of the local problems with regard to children at risk of school failure and with regard to school discipline, whether the proposed program meets State standards, and the likelihood that the locally designed plan will deal with the problems successfully.

During the review process, the Superintendent may recommend modifications in grant applications to applicants.

(b) The Superintendent shall submit recommendations to the State Board of Education on which applicants should receive grants and the amount they should receive.

**"§ 115C-238.43. Award of grants.**

In selecting grant recipients, the State Board shall consider (i) the recommendations of the Superintendent, (ii) the geographic location of the applicants, and (iii) the demographic profile of the applicants. After considering these factors, the State Board shall give priority to grant applications that will serve areas that have a high incidence of juvenile crime and that propose different approaches that can serve as models for other communities.

The State Board shall select the grant recipients prior to July 15, 1994, for local programs that will be in operation at the beginning of the 1994-95 school year. The State Board shall select the grant recipients prior to October 1, 1994, for local programs that will be in operation after the beginning of the 1994-95 school year.

**"§ 115C-238.44. Requests for modifications of grants or for additional funds to implement grants.**

A grant recipient may request a modification of a grant or additional funds to implement a grant through the grant application process. The request shall be reviewed and accepted or rejected in the same manner as a grant application.

**"§ 115C-238.45. Administration of the grant program.**

The Superintendent of Public Instruction shall administer the grant program, under the direction of the State Board of Education. The Department of Public Instruction shall provide technical assistance to grant applicants and recipients.

**"§ 115C-238.46. Cooperation of State and local agencies.**

All agencies of the State and local government, including departments of social services, health departments, local mental health, mental retardation, and substance abuse authorities, court personnel, law enforcement agencies, The University of North Carolina, the community college system, and cities and counties, shall cooperate with the Department of Public Instruction, local boards of education, and local nonprofit corporations that receive grants in coordinating the program at the State level and in implementing the program at the local level. The Superintendent, after consultation with the Secretary of Human Resources, shall develop a plan for ensuring the cooperation of State agencies and local agencies, and encouraging the cooperation of private entities, especially those receiving State funds, in the coordination and implementation of the program.

**"§ 115C-238.47. Program evaluation; reporting requirements.**

(a) The Department of Public Instruction shall develop and implement an evaluation system, under the direction of the State Board of Education, that will assess the efficiency and effectiveness of the Intervention/Prevention Grant Program. The Department shall design this system to:

(1) Provide information to the Department and to the General Assembly on how to improve and refine the programs;

(2) Enable the Department and the General Assembly to assess the overall quality, efficiency, and impact of the existing programs;

(3) Enable the Department and the General Assembly to determine whether to modify the Intervention/Prevention Grant Program; and

(4) Provide a detailed fiscal analysis of how State funds for these programs were used.

(b) The State Board of Education shall report to the General Assembly and the Joint Legislative Education Oversight Committee by May 15, 1994, on its progress in developing the evaluation system and in developing and implementing the program. It shall report prior to February 1, 1995, on the evaluation system developed by the Department and on program implementation. The State Board of Education shall present an annual report on

October 1, 1995, and annually thereafter to the General Assembly and to the Joint Legislative Education Oversight Committee on (i) the implementation of the program, (ii) the results of the program evaluation, (iii) how the funds appropriated by the General Assembly for the program are being used, (iv) additional funds required to implement the program, and (v) any necessary modifications to the program."

(c) The Department of Public Instruction shall use funds within its budget for travel and for supplies and materials for the 1993–94 fiscal year to implement subsection (b) of this section prior to July 1, 1994.

(d) Subsection (a) of this section becomes effective July 1, 1994. The remainder of this section is effective upon ratification.

Requested by: Representatives Barnes, Rogers, Black, Nesbitt, Diamont, Holt, Bowie, Russell, Arnold, Fitch, Easterling, Gardner, H. Hunter, Hensley, Senators Gunter, Perdue, Martin of Guilford, Daniel, Ballance, Cooper, Odom, Plyler, Hartsell, Shaw, Soles

**LOCAL PROGRAMS TO ASSIST CHILDREN AT RISK OF SCHOOL FAILURE**

Sec. 43. Of the funds appropriated to Aid to Local School Administrative Units, the sum of eighteen million two hundred thirty–seven thousand one hundred twenty dollars ($18,237,120) for the 1994–95 fiscal year shall be used for positions to implement locally designed initiatives to provide services to students who are at risk of school failure and to the students' families. These funds shall be allocated by the State Board of Education to local school administrative units on the basis of average daily membership for instructional support personnel other than library media specialists, with a minimum of one position allotted per local school administrative unit.

The Superintendent of Public Instruction shall not recommend and the State Board not grant waivers pursuant to G.S. 115C–238.6 pertaining to the purposes for which these funds may be used unless:

(1) The requested waiver is to convert one or more of these instructional support positions to teacher positions;

(2) The conversion to a teacher position is at the average cost of the instructional support position being converted; and

(3) The position converted is to be used for a certified teacher who has special skills or training that are necessary to work with children in an alternative learning program and that teacher is assigned full–time to an alternative learning program.

Local boards of education are encouraged to design and implement plans that coordinate and leverage existing resources in the public schools, local governments, nonprofit entities, and the community at large. Local school administrative units that receive Intervention/Prevention School grants are encouraged to design and implement plans that coordinate the use of these funds with the programs funded with Intervention/Prevention Program grants. Adjoining local school administrative units are encouraged to design and implement joint programs.

The State Board of Education shall make a preliminary report to the Joint Legislative Education Oversight Committee in November 1994 on the programs implemented at the local level with these funds. The State Board of Education shall make a final report to the General Assembly on these programs in February 1995.

**PART 15. GENERAL ASSEMBLY**

Requested by: Senators Sherron, Daniel, Plyler, Representatives Nesbitt, Diamont

**TASK FORCE ON OFFENDERS' DRUG AND ALCOHOL REHABILITATION AND EDUCATION**

Sec. 44. (a) There is created the Task Force on Offenders' Drug and Alcohol Rehabilitation and Education to study methods for providing alcohol and drug treatment programs and educational programs to offenders. The Task Force shall be composed of eight members:

(1) The Governor, who shall chair the Task Force;

(2) The Secretary of Correction;

(3) The Assistant Secretary of Correction for Substance Abuse;
(4) The Secretary of Human Resources;
(5) The Director of the Division of Mental Health, Developmental Disabilities and Substance Abuse Services, Department of Human Resources;
(6) The Chief of the Substance Abuse Services Section, Division of Mental Health, Developmental Disabilities and Substance Abuse, Department of Human Resources;
(7) The President of the North Carolina Community College System; and
(8) The Superintendent of Public Instruction.

(b) The Task Force on Offenders' Drug and Alcohol Rehabilitation and Education shall:

(1) Develop a plan and a cost estimate for converting a number of prison facilities into intensive drug and alcohol rehabilitation centers, for identifying inmates with drug and alcohol problems, and for mandating proven treatment procedures for those inmates;
(2) Develop a plan and a cost estimate for ensuring that persons sentenced to prison for crimes involving drugs or for crimes in which alcohol or drugs were a causative or contributing factor receive a full year of drug rehabilitation as a part of their sentence. The plan shall provide for intensive drug therapy and gradual reintegration into society as the treatment progresses. The plan shall also provide for parole conditioned upon total abstinence from alcohol and drugs, to be enforced through strict testing, with violators returned to prison for the full term of the original sentences.
(3) Develop a plan and a cost estimate for establishing an extension program through either the Department of Community Colleges or the Department of Public Instruction to provide a General Education Development diploma (GED) to all offenders who have not obtained a high school diploma or a GED. The plan shall include making continued work towards a GED a condition of probation or parole whenever necessary to ensure that the offender does obtain a GED.

The Task Force shall report its findings and recommendations to the General Assembly by May 15, 1994.

Requested by: Senators Gulley, Daniel, Plyler, Representatives Nesbitt, Diamont

**JOINT DEPARTMENTAL STUDY OF LIFE IMPRISONMENT SENTENCE**

Sec. 45. The Department of Correction, the Department of Crime Control and Public Safety, and the Department of Justice shall study the effect on the criminal justice system of having the sentence of life imprisonment without parole for certain criminal offenses and shall also consider whether the sentence of life imprisonment without parole has served as a deterrent with regard to those crimes for which it may be imposed, any other impact the sentence may have had on the crime rate generally, the fiscal impact that the sentence has had on the State's finances, and the projected costs to the State if the sentence continues to be imposed. The Department of Correction, Department of Crime Control and Public Safety, and Department of Justice shall report to the General Assembly, the Joint Legislative Commission on Governmental Operations, and the appropriations committees in the House of Representatives and the Senate by January 1, 2005, on their findings and recommendations regarding the sentence of life imprisonment without parole.

Requested by: Senators Perdue, Martin of Guilford, Daniel, Plyler,
Representatives Nesbitt, Diamont, Easterling

**REPORT ON ANTICRIME INITIATIVES**

Sec. 46. Every agency of the State to which funds have been appropriated in this act for implementing program initiatives for reducing crime shall report to the Joint Legislative Corrections Oversight Committee at its first meeting and quarterly thereafter. The report shall provide information on the expenditure of the funds, program implementation progress, and results to date. The purpose of the reports is to provide the

General Assembly and the citizens of this State with information on the progress and success of initiatives developed to reduce crime in North Carolina's communities.

Requested by: Senators Cochrane, Hartsell, Shaw, Odom, Cooper, Daniel, Plyler, Representatives Nesbitt, Diamont, Nye, Easterling, Redwine, Fitch, McAllister, Berry, Balmer, Creech, H. Hunter

**WELFARE REFORM STUDY**

Sec. 47. (a) There is created the Legislative Study Commission on Welfare Reform. The Commission shall consist of 14 members as follows:

(1) Five members of the House of Representatives appointed by the Speaker of the House of Representatives;

(2) Two persons appointed by the Speaker of the House of Representatives who are not members of the General Assembly;

(3) Five Senators appointed by the President *Pro Tempore* of the Senate; and

(4) Two persons appointed by the President *Pro Tempore* of the Senate who are not members of the General Assembly.

(b) The Speaker of the House of Representatives shall designate one representative as cochair and the President *Pro Tempore* of the Senate shall designate one Senator as cochair.

(c) The Commission shall study the whole issue of the need for welfare reform in light of the current social crisis caused, in part, by the rapidly increasing incidence of violent crimes. This study shall include:

(1) A reexamination of the whole purpose of the welfare system and an identification of those disincentives to raising responsible, independent participants in society that are built into the system;

(2) An analysis of the federal welfare reform proposals and of other states' initiatives; and

(3) A compilation and detailed examination, including detailed fiscal analysis, of proposals to reform the welfare system.

(d) The reexamination prescribed by subdivision (1) of this subsection shall specifically include consideration of the following bills introduced in the 1993 General Assembly, Extra Session 1994: House Bill 141, introduced by Representative Fitch, House Bill 209, introduced by Representative McAllister, House Bill 80, introduced by Representative Berry, Senate Bill 129, introduced by Senator Cochrane, and any other welfare reform initiatives introduced in this session.

(e) The Commission may submit an interim report to the General Assembly on or before the first day of the 1994 Regular Session of the 1993 General Assembly and shall submit a final report, including a complete proposal for welfare reform, to the 1995 General Assembly within one week of its convening, by filing the report with the Speaker of the House of Representatives and the President *Pro Tempore* of the Senate. Upon filing its final report, the Commission shall terminate.

(f) The Commission, while in the discharge of official duties, may exercise all the powers provided for under the provisions of G.S. 120–19 and G.S. 120–19.1 through G.S. 120–19.4. The Commission may meet at any time upon the joint call of the cochairs. The Commission may meet in the Legislative Building or the Legislative Office Building.

(g) Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120–3.1 or G.S. 138–5, as appropriate.

(h) The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120–32.02. The Legislative Services Commission, through the Legislative Administrative Officer, shall assign professional staff to assist in the work of the Commission. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission or committee, upon the direction of the Legislative Services Commission. The expenses relating to clerical employees shall be borne by the Commission.

(i) When a vacancy occurs in the membership of the Commission, the vacancy shall be filled by the same appointing officer who made the initial appointment.

(j) All State departments and agencies and local governments and their subdivisions shall furnish the Commission with any information in their possession or available to them.

Requested by: Senators Forrester, Cochrane, Hartsell, Shaw, Ballance, Odom, Daniel, Plyler, Representatives Nesbitt, Diamont

**LRC STUDY ON THE CAUSES OF CRIME IN NORTH CAROLINA**

Sec. 48. (a) The Legislative Research Commission may study the causes of crime in North Carolina. This study may include:

(1) Review of available information regarding the causes of crime in North Carolina, including relevant criminological, behavioral, sociological, and social sciences data, and other pertinent information on crime;
(2) Review of the relationship between adolescent childbearing and criminal behavior of adolescent parents and of children born to adolescent parents;
(3) Conducting public hearings on the causes of crime in North Carolina;
(4) Review of studies regarding the causes of crime conducted by public and private entities of other jurisdictions; and
(5) Development of legislative recommendations calculated to address effectively the root causes of crime in North Carolina.

(b) The LRC may make its final report on the study authorized under this section to the 1995 General Assembly.

Requested by: Senators Simpson, Cochrane, Hartsell, Shaw, Cooper, Soles, Daniel, Plyler, Representatives Nesbitt, Diamont

**JOINT LEGISLATIVE CORRECTIONS OVERSIGHT COMMITTEE**

Sec. 49. (a) Chapter 120 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 12J.

"Joint Legislative Corrections Oversight Committee.

"**§ 120-70.93. Creation and membership of Joint Legislative Corrections Oversight Committee.**

The Joint Legislative Corrections Oversight Committee is established. The Committee consists of 16 members as follows:

(1) Eight members of the Senate appointed by the President *Pro Tempore* of the Senate, at least two of whom are members of the minority party; and
(2) Eight members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 1995 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment.

"**§ 120-70.94. Purpose and powers of Committee.**

(a) The Joint Legislative Corrections Oversight Committee shall examine, on a continuing basis, the correctional system in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve the correctional system and to assist that system in realizing its objectives of protecting the public and of punishing and rehabilitating offenders. In this examination, the Committee shall:

(1) Study the budget, programs, and policies of the Department of Correction, to determine ways in which the General Assembly may improve the effectiveness of that Department;
(2) Examine the effectiveness of the Department of Correction in implementing the public policy stated in G.S. 148-26 of providing work

assignments and employment for inmates as a means of reducing the cost of maintaining the inmate population while enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their release; and

(3) Study any other corrections matters that the Committee considers necessary.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

"**§ 120-70.95. Organization of Committee.**

(a) The President *Pro Tempore* of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Corrections Oversight Committee. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs.

(b) A quorum of the Committee is nine members. No action may be taken except by a majority vote at a meeting at which a quorum is present. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

(c) Members of the Committee receive subsistence and travel expenses as provided in G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Administrative Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee."

(b) This section becomes effective July 1, 1994.

Requested by: Senators Odom, Daniel, Plyler, Representatives Nesbitt, Diamont

**LRC FARM CAMP STUDY**

Sec. 50. The Legislative Research Commission may study the feasibility of establishing a Farm Camp Program for troubled youth. For purposes of this study, the term "troubled youth" means: (i) juvenile delinquents who would otherwise be committed to training schools, and (ii) individuals under the age of 21 years who are guilty of nonviolent felony offenses. The Department of Correction, the Department of Human Resources, the Division of Youth Services, and the Administrative Office of the Courts shall cooperate in the study. The study may include:

(1) An analysis of similar work and community service programs established for troubled youth in this State and other states, which analysis shall include data on the recidivism rate of the troubled youth participating in the programs, the effects of the programs on the farm communities in which the youth are working, and the success rate of incorporating the youth in the work force after they leave the programs;

(2) A review of academic and professional studies regarding the effects of community involvement and participation on youth, including an examination of the beneficial effects of providing troubled youth with the opportunity to develop work skills, to become productive citizens, and to develop self-confidence, independence, and self-esteem;

(3) An analysis of whether the Farm Camp Program will reduce the populations of the State prisons and training schools and any other anticipated effects it will have on the Department of Correction, the Department of Human Resources, and the Division of Youth Services;

(4) A review of information from the North Carolina Farm Bureau Federation, Inc.;

(5) An examination of the federal and State laws that affect troubled youth; and

(6) A fiscal analysis of the costs of establishing and operating a Farm Camp Program for a five to 10-year period.

Requested by: Senators Kincaid, Soles, Daniel, Plyler, Representatives Nesbitt, Diamont
**COURTS COMMISSION STUDY MAGISTRATES INFRACTIONS/LEVEL I MISDEMEANORS**

Sec. 51. The North Carolina Courts Commission shall study whether to:

(1) Expand the jurisdiction of magistrates to allow them to dispose of infractions;

(2) Facilitate the procedure for disposing of infractions; and

(3) Allow magistrates to dispose of all Level I misdemeanors according to plea agreements between the State and defendants.

The North Carolina Courts Commission shall make an interim report to the 1993 General Assembly, Regular Session 1994, no later than May 15, 1994, and shall make a final report to the 1995 Regular Session of the General Assembly no later than its convening.

Requested by: Senators Kincaid, Soles, Daniel, Plyler, Representatives Nesbitt, Diamont
**COURTS COMMISSION STUDY CONCURRENT JURISDICTION BETWEEN THE DISTRICT AND SUPERIOR COURTS FOR DISPOSITION OF CERTAIN FELONIES**

Sec. 52. The North Carolina Courts Commission shall study whether to provide concurrent jurisdiction between the district and superior courts for the disposition of certain felonies.

The North Carolina Courts Commission shall make an interim report to the 1993 General Assembly, Regular Session 1994, no later than May 15, 1994, and shall make a final report to the 1995 Regular Session of the General Assembly no later than its convening.

Requested by: Representatives Ellis, Nesbitt, Diamont,
Senators Daniel, Plyler, Odom, Ballance
**LRC STUDY PLACEMENT OF FELONS 16 YEARS OF AGE OR OLDER IN PRIVATE CORRECTIONAL FACILITIES**

Sec. 53. The Legislative Research Commission may study whether felons 16 years of age or older who are sentenced to State prison may be housed in private correctional facilities that equal or exceed the standards for adult correctional institutions of the American Correctional Association for construction and habitation. The report shall be made to the 1993 General Assembly, Regular Session 1994.

**PART 16. TECHNICAL CHANGES**

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
**CORRECT OMISSION IN CHAPTER 561**

Sec. 54. Chapter 561 of the 1993 Session Laws is amended by adding the following new section to read:

**"MOST TEXT APPLIES ONLY TO 1993–95 BIENNIUM**

Sec. 23.1. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1993–95 biennium, the textual provisions of this act shall apply only to funds appropriated for and activities occurring during the 1993–95 biennium."

Requested by: Senators Plyler, Daniel, Representatives Nesbitt, Diamont
**EXTEND REPORTING DATE OF BUDGET PRACTICES STUDY COMMISSION**

Sec. 55. Sec. 22(f) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(f) The Budget Practices Study Commission shall report its findings and recommendations to the ~~1993 General Assembly, 1994 Regular Session.~~ 1995 General Assembly upon its convening."

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
**LEGISLATIVE STUDY COMMISSION ON COMMUNITY COLLEGE CAPITAL NEEDS REPORT EXTENSION**

Sec. 56. (a) The second paragraph of Section 6(b)II. of Chapter 542 of the 1993 Session Laws reads as rewritten:

"It is the intent of the General Assembly to appropriate the proceeds of the bonds and notes in 1994 or at a subsequent session based on consideration of the recommendations of the Legislative Study Commission on Community College Capital Needs ~~in its report~~ to be submitted to the General Assembly ~~by April 1994~~ as provided in Section 11 of this act. Actual appropriations by the General Assembly in 1994 or at a subsequent session may be made without regard to the expressed intentions set forth above."

(b) Section 11(7) of Chapter 542 of the 1993 Session Laws reads as rewritten:

"(7) The Commission ~~shall make a final report to the General Assembly by April 1, 1994.~~ may make an interim report to the 1994 Regular Session of the 1993 General Assembly and shall make a final report to the General Assembly not later than its convening in 1995. Any appropriations recommended by the Commission in an interim report shall be the final recommendations with respect to those appropriations."

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

**LEGISLATIVE STUDY COMMISSION ON ECONOMIC INCENTIVES TO LURE INDUSTRY REPORTING EXTENSION**

Sec. 57. Section 103 (d) of Chapter 561 of the 1993 Session Laws reads as rewritten:

"(d) The Commission ~~shall~~ may submit a report to the 1993 General Assembly, Regular Session 1994 and shall submit a final report of its findings and recommendations to the 1995 General Assembly on or before ~~April 15, 1994,~~ its convening, by filing the report with the Speaker of the House of Representatives and the President *Pro Tempore* of the Senate. Upon filing its final report, the Commission shall terminate."

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

**FISCAL TRENDS AND REFORM COMMITTEE REPORTING EXTENSION**

Sec. 58. Section 169 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 169. The Legislative Research Commission may study~~, and the Fiscal Trends Study Commission shall study,~~ all appropriations from the Highway Fund to agencies other than the Department of Transportation, including the Highway Patrol, Department of Correction, and Department of Public Instruction, and ~~shall~~ may report to the ~~General Assembly by the first day of the 1994 Regular Session~~ 1994 Regular Session of the 1993 General Assembly and the 1995 General Assembly on or before its convening on the appropriateness of these appropriations, the trends of these appropriations, on how the future growth in these appropriations can be limited, and on a policy on what type of programs can be funded from the Highway Fund."

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

**LEGISLATIVE RESEARCH COMMISSION (REFERRED DRIVER EDUCATION PROGRAM TO JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE)**

Sec. 59. Section 144.3 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 144.3. The Legislative Research Commission shall study the driver education program offered by the public schools. The study shall consider:

(1) The efficiency of the program and the impact on the efficiency of the program of the 1991 statutory changes allowing local boards of education to contract with public or private entities to provide driver education;

(2) The impact on parents and students, especially in rural areas, of the State Board of Education rule requiring that driver education be offered outside of the regular instructional day; and

(3) The overall cost of the program and the projected five-year cost of the program.

The Commission ~~shall~~ may make an interim report ~~the results of its study by April 15, 1994.~~ to the 1994 Regular Session of the 1993 General Assembly and a final report to the 1995 General Assembly upon its convening."

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
**LEGISLATIVE STUDY COMMISSION ON STATUS OF EDUCATION AT THE UNIVERSITY OF NORTH CAROLINA**

Sec. 60. Section 101.5(g) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(g) The Commission shall make ~~an interim report~~ interim reports, as it deems appropriate, to the Joint Legislative Education Oversight Committee ~~no later than April 15, 1994,~~ and shall make a final report to the Joint Legislative Education Oversight Committee no later than ~~February 15, 1995,~~ March 1, 1995, at which time the Commission shall terminate."

## PART 17. CAPITAL IMPROVEMENT PROVISIONS

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont
**RESERVE FOR ADVANCE PLANNING**

Sec. 61. The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division on how it intends to spend funds from the Reserve for Advance Planning at least 45 days before it spends the funds.

The Office of State Budget and Management shall also report the results of any project on which it uses funds from the Reserve for Advance Planning to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont
**ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND**

Sec. 62. When each capital improvement project appropriated by the 1994 Extra Session of the General Assembly, other than those projects under the Board of Governors of The University of North Carolina, is placed under construction contract, direct appropriations shall be encumbered to include all costs for construction, design, investigation, administration, movable equipment, and a reasonable contingency. Unencumbered direct appropriations remaining in the project budget shall be placed in a project reserve fund credited to the Office of State Budget and Management. Funds in the project reserve may be used for emergency repair and renovation projects at State facilities with the approval of the Director of the Budget. The project reserve fund may be used, at the discretion of the Director of the Budget, to allow for award of contracts where bids exceed appropriated funds, if those projects supplemented were designed within the scope intended by the applicable appropriation or any authorized change in it, and if, in the opinion of the Director of the Budget, all means to award contracts within the appropriation were reasonably attempted. At the discretion of the Director of the Budget, any balances in the project reserve fund shall revert to the original source.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont
**PROJECT COST INCREASE**

Sec. 63. Upon the request of the administration of a State department or institution, the Director of the Budget may, when in the Director's opinion it is in the best interest of the State to do so, increase the cost of a capital improvement project. Provided, however, that if the Director of the Budget increases the cost of a project, the Director shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting. The increase may be funded from gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, or direct capital improvement appropriations to that department or institution.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont
**NEW PROJECT AUTHORIZATION**

Sec. 64. Upon the request of the administration of any State department or institution, the Governor may authorize the construction of a capital improvement project not specifically authorized by the General Assembly if such project is to be funded by gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted

at University of North Carolina Hospitals at Chapel Hill, or self–liquidating indebtedness. Provided, however, that if the Director of the Budget authorizes the construction of such a capital improvement project, the Director shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

**ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS**

Sec. 65. Funds which become available by gifts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal or private grants, receipts becoming a part of special funds by act of the General Assembly, or any other funds available to a State department or institution may be utilized for advance planning through the working–drawing phase of capital improvement projects, upon approval of the Director of the Budget. The Director of the Budget may make allocations from the Advance Planning Fund for advance planning through the working–drawing phase of capital improvement projects, except that this revolving fund may not be utilized by the Board of Governors of The University of North Carolina or the State Board of Community Colleges.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

**APPROPRIATIONS LIMITS/REVERSION OR LAPSE**

Sec. 66. Except as permitted in previous sections of this act, the appropriations for capital improvements made by the 1994 Extra Session of the General Assembly may be expended only for specific projects set out by the 1994 Extra Session of the General Assembly and for no other purpose. Construction of all capital improvement projects enumerated by the 1994 Extra Session of the General Assembly shall be commenced, or self–liquidating indebtedness with respect to them shall be incurred no later than the end of the 1993–95 biennium. If construction contracts on those projects have not been awarded or self–liquidating indebtedness has not been incurred within that period, the direct appropriation for those projects shall revert to the original source, and the self–liquidating appropriation shall lapse; except that direct appropriations may be placed in a reserve fund as authorized in this act. This deadline with respect to both direct and self–liquidating appropriations may be extended with the approval of the Director of the Budget up to an additional 12 months if circumstances and conditions warrant such extension.

Requested by: Senators Daniel, Plyler, Gulley,
Representatives Nesbitt, Diamont, Moore, Wilkins

**CONSTRUCTION FUND LIMITATIONS/RESERVE FOR CONSTRUCTION OF DETENTION CENTER/RELOCATE UMSTEAD PRISON BEDS**

Sec. 67. (a) With respect to funds appropriated in this act for construction of additional prison beds at Piedmont, Lumberton, Pender, Wayne, and Brown Creek, the Director of the Budget may increase or decrease the amount allocated to a particular institution within the aggregate amount of construction funds available, and the Secretary of Correction may, as appropriate and necessary, authorize construction of those beds at other facilities owned and operated by the Division of Prisons.

(b) The Office of State Construction of the Department of Administration may contract for and supervise all aspects of administration, technical assistance, design, construction, or demolition of facilities in order to implement the providing of facilities under the provisions of this act.

The facilities authorized under this act shall be constructed in accordance with the provisions of general law applicable to the construction of State facilities. If the Secretary of Administration, after consultation with the Secretary of Correction, finds that the delivery of facilities must be expedited for good cause, the Office of State Construction of the Department of Administration shall be exempt from the following statutes and rules implementing those statutes, to the extent necessary to expedite delivery: G.S. 143–135.26, 143–128, 143–129, 143–131, 143–132, 143–134, 113A–1 through 113A–10, 113A–50 through 113A–66, 133–1.1(g), and 143–408.1 through 143–408.7.

Prior to exercising the exemptions allowable under this section, the Secretary of Administration shall give reasonable notice in writing of the Department's intent to

exercise the exemptions to the Speaker of the House of Representatives, the President *Pro Tempore* of the Senate, the Chairs of the House and Senate Appropriations Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division. The written notice shall contain at least the following information: (i) the specific statutory requirement or requirements from which the Department intends to exempt itself; (ii) the reason the exemption is necessary to expedite delivery of facilities; (iii) the way in which the Department anticipates the exemption will expedite the delivery of facilities; and (iv) a brief summary of the proposed contract for the project which is to be exempted.

The Office of State Construction of the Department of Administration shall have a verifiable ten percent (10%) goal for participation by minority– and women–owned businesses. All contracts for the design, construction, or demolition of facilities shall include a penalty for failure to complete the work by a specified date.

The Office of State Construction of the Department of Administration shall involve the Department of Correction in all aspects of the projects to the extent that such involvement relates to the Department's program needs and to its responsibility for the care of the prison population.

(c) The Office of State Construction of the Department of Administration shall provide quarterly reports to the Chairs of the Appropriations Committee and the Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in the House of Representatives, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division as to any changes in projects and allocations made under this act. The report shall include any changes in the projects and allocations made pursuant to this act, information on which contractors have been selected, what contracts have been entered into, the projected and actual occupancy dates of facilities contracted for, the number of beds to be constructed on each project, the location of each project, and the projected and actual cost of each project.

The Department of Insurance and the Department of Correction shall report quarterly to the Joint Legislative Commission on Governmental Operations on their involvement in the construction program.

(d) The two 50–bed dormitories authorized for construction at Umstead Correctional Center pursuant to Section 3 of Chapter 550 of the 1993 Session Laws shall not be constructed at Umstead Correctional Center. The Secretary of Correction shall authorize the construction of those beds at other facilities owned and operated by the Division of Prisons.

(e) Of the funds appropriated to the Department of Human Resources in this act, the sum of one million six hundred thousand dollars ($1,600,000) for the 1994–95 fiscal year shall be held in a reserve for the construction of one detention center, to be available for allocation as prescribed by the 1993 General Assembly, Regular Session 1994. The Joint House and Senate Human Resources Appropriations Subcommittees shall receive and review the findings and recommendations of the Juvenile Secure Custody Study authorized in Section 87 of Chapter 561 of the 1993 Session Laws to determine if these reserved funds need to be expended for the construction.

**PART 18. MISCELLANEOUS PROVISIONS**

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

**EFFECT OF HEADINGS**

Sec. 68. The headings to the Parts and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

**EXECUTIVE BUDGET ACT REFERENCE**

Sec. 69. The provisions of the Executive Budget Act, Chapter 143, Article 1 of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
**MOST TEXT APPLIES ONLY TO 1993–95 BIENNIUM**

Sec. 70. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1993–95 biennium, the textual provisions of this act shall apply only to funds appropriated for and activities occurring during the 1993–95 biennium.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
**SEVERABILITY CLAUSE**

Sec. 71. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of the act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
**1993–94 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY**

Sec. 72. Except where expressly repealed or amended by this act, the provisions of Chapters 321 and 561 of the 1993 Session Laws remain in effect. Section 9 of Chapter 321 of the 1993 Session Laws does not apply to this act.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
**EFFECTIVE DATE**

Sec. 73. Except as otherwise provided, this act is effective upon ratification.

On motion of Senator Daniel, the Chair orders the Conference Report placed on the Calendar for immediate consideration upon its adoption.

The Chair rules the Conference Report contains substantive amendments and requires adoption on second and third readings.

On motion of Senator Daniel, the Senate adopts the Conference Report on its second reading (32–0), and with unanimous consent, remains before the Senate for consideration upon third reading.

Senator Marshall rises to announce a pair on third reading, as follows: "If Senator Folger were present, he would vote no on **S.B. 150** (House Committee Substitute); I would vote aye."

The Chair calls for a voice vote and the Conference Report is adopted on third reading.

Senator Perdue requests to be recorded voting aye on the third reading of the Conference Report.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

## CALENDAR (Continued)

**S.J.R. 178**, a joint resolution adjourning the 1994 Extra Session *sine die*, introduced and placed earlier today on the Calendar.

The joint resolution passes its second (32–0) and third readings and is ordered sent to the House of Representatives by special messenger.

With unanimous consent, the Chair grants a leave of absence for the remainder of today's session to Senator Cochrane, due to illness.

## CONFERENCE REPORT

**H.B. 128** (Senate Committee Substitute)

Senator Odom, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 128** (Committee Substitute), a bill to make it a misdemeanor for a person to willfully make a false,

misleading, or unfounded report to a law enforcement agency or officer, and the Senate Committee Substitute bill which proposes to change the title, upon concurrence, to read **H.B. 128** (Senate Committee Substitute), a bill to amend the law to enhance crime control and to increase the punishment for certain offenses, submits the following report:

*To the President of the Senate and the*
*Speaker of the House of Representatives:*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 128, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW TO ENHANCE CRIME CONTROL AND TO INCREASE THE PUNISHMENT FOR CERTAIN OFFENSES, Senate Select Committee on Corrections/ Punishment Substitute Adopted 3/24/94, Third Edition, submit the following report:

The House of Representatives and the Senate agree to the following amendment to the Senate Select Committee on Corrections/Punishment Substitute Adopted 3/24/94, Third Edition, and the House concurs in the Senate Select Committee on Corrections/ Punishment Substitute Adopted 3/24/94, Third Edition:

Delete the entire Senate Select Committee on Corrections/Punishment Substitute Adopted 3/24/94, Third Edition, and substitute the attached Proposed Conference Committee Substitute PCCS 7393.

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: March 25, 1994.

| | |
|---|---|
| S/T. L. Odom | S/H. M. Michaux, Jr. |
| S/Frank W. Ballance, Jr. | S/B. Holt |
| Elaine F. Marshall | S/David T. Flaherty, Jr. |
| S/Fletcher L. Hartsell, Jr. | |
| S/Sands | |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

The text of the attached Proposed Conference Committee Substitute 7393, which changes the title, is as follows:

A BILL TO BE ENTITLED AN ACT TO MAKE IT A MISDEMEANOR FOR A PERSON TO WILLFULLY MAKE A FALSE, MISLEADING, OR UNFOUNDED REPORT TO A LAW ENFORCEMENT AGENCY OR OFFICER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14–225 reads as rewritten:

**"§ 14–225. ~~False, etc.,~~ False reports to ~~police radio broadcasting stations.~~ law enforcement agencies or officers.**

Any person who shall willfully make or cause to be made to a ~~police radio broadcasting station~~ law enforcement agency or officer any false, misleading or unfounded report, for the purpose of interfering with the operation ~~thereof,~~ of a law enforcement agency, or to hinder or obstruct any ~~peace~~ law enforcement officer in the performance of his duty, shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six months, or both."

Sec. 2. G.S. 14–225, as enacted by Section 1 of this act, reads as rewritten:

**"§ 14–225. False reports to law enforcement agencies or officers.**

Any person who shall willfully make or cause to be made to a law enforcement agency or officer any false, misleading or unfounded report, for the purpose of interfering with the operation of a law enforcement agency, or to hinder or obstruct any law enforcement officer in the performance of his duty, shall be guilty of a ~~misdemeanor~~

~~punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six months, or both.~~ Class 2 misdemeanor."

Sec. 3. Section 137 of Chapter 539 of the 1993 Session Laws is repealed.

Sec. 4. Section 1 of this act becomes effective July 1, 1994, and applies to offenses occurring on or after that date. Sections 2 and 3 of this act become effective on the same day that Chapter 538 of the 1993 Session Laws becomes effective and apply to offenses occurring on or after that date. Section 4 of this act is effective upon ratification. Prosecutions for offenses committed before the effective dates of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

On motion of Senator Odom, the Chair orders the Conference Report placed on the Calendar for immediate consideration upon its adoption.

The Chair rules the Conference Report contains substantive amendments and requires adoption on second and third readings.

On motion of Senator Odom, the Senate adopts the Conference Report on its second (32–0) and third readings, and the title reverts to **H.B. 128** (Committee Substitute), a bill to make it a misdemeanor for a person to willfully make a false, misleading, or unfounded report to a law enforcement agency or officer.

Senator Perdue requests to be recorded voting aye on the third reading of the Conference Report.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

**S.B. 150**
(House Committee Substitute)

House of Representatives
March 25, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for Committee Substitute for **SB 150**, A BILL TO BE ENTITLED AN ACT TO ADJUST THE APPROPRIATIONS MADE FOR THE 1993–94 FISCAL YEAR AND THE 1994–95 FISCAL YEAR TO AID IN THE CONTROL AND PREVENTION OF CRIME, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

The Chair orders the House Committee Substitute bill enrolled.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 39**
(Senate Committee Substitute)

House of Representatives
March 25, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for House Committee Substitute # 2 for **HB 39**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH CRIME PREVENTION AND ENHANCED PUNISHMENT INITIATIVES,

AND TO AMEND THE LAW TO ENHANCE CRIME CONTROL, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 128**
(Senate Committee Substitute)

House of Representatives
March 25, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for Committee Substitute for **HB 128**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A MISDEMEANOR FOR A PERSON TO WILLFULLY MAKE A FALSE, MISLEADING, OR UNFOUNDED REPORT TO A LAW ENFORCEMENT AGENCY OR OFFICER, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

The Chair announces Senator Kerr present for the remainder of today's Session.

## INTRODUCTION OF JOINT RESOLUTION

Senator Sands introduces a joint resolution to the Senate out of the regular order of business, which is read the first time, and disposed of, as follows:

By Senator Sands:
**S.J.R. 179**, a joint resolution adjourning the 1994 Extra Session *sine die*.

On motion of Senator Sands, the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (27–0) and third readings and is ordered sent to the House of Representatives by special messenger.

On motion of Senator Sands, seconded by Senator Johnson, the Senate adjourns at 11:59 P.M. to meet tomorrow, Saturday, March 26, at 12:01 A.M.

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# THIRTY-FIRST DAY

SENATE CHAMBER,
Saturday, March 26, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by the Honorable Joe Johnson, Senator from Wake County, as follows:

"Dear Lord, as we come to the end of this Session, please give us the strength, the ability, and above all the humor, to see it through. Amen."

Senator Sands, for the **Rules and Operation of the Senate Committee**, announces the Journal of yesterday, Friday, March 25, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the Chair grants leaves of absence for today to Senator Blackmon, to Senator Cochrane, to Senator Folger, to Senator Forrester, to Senator Harris, to Senator Martin of Pitt, to Senator Smith, to Senator Winner of Buncombe, for observance of Passover; and to Senator Winner of Mecklenburg.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and a resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 39** (Senate Committee Substitute), an act to establish crime prevention and enhanced punishment initiatives, and to amend the law to enhance crime control. (Ch. 22)

**H.B. 128** (Senate Committee Substitute), an act to make it a misdemeanor for a person to willfully make a false, misleading, or unfounded report to a law enforcement agency or officer. (Ch. 23)

**S.B. 150** (House Committee Substitute), an act to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to aid in the control and prevention of crime. (Ch. 24)

**H.B. 171** (Senate Committee Substitute), an act to require notification of parole hearings and the decision reached at those hearings to newspapers and other media in the county where the prisoner being considered for parole was convicted and, if different, in the county where the prisoner was charged. (Ch. 25)

**S.B. 89** (Committee Substitute), an act to require that the parent, guardian, or next–of–kin of a minor who is charged by a law enforcement officer shall be notified immediately of the charge by the law enforcement officer making the charge. (Ch. 26)

**H.B. 110** (Senate Committee Substitute), an act to increase the time within which hearings for juveniles in custody take place, to provide for waiver of hearings on continued custody, to lengthen time of temporary custody of juveniles without an order, and to allow placement of juveniles by the Department of Social Services. (Ch. 27)

**H.B. 145** (Senate Committee Substitute No. 2), an act to amend the law regarding the concealment of merchandise in mercantile establishments. (Ch. 28)

**S.J.R. 179**, a joint resolution adjourning the 1994 Extra Session *sine die*. (Res. 2)

Senator Conder, seconded by Senator Johnson, offers a motion that the Senate of the 1993 General Assembly meeting in Extra Session under the call of the Governor, do now adjourn, *sine die*.

The President *Pro Tempore* declares the Senate stands ready to adjourn and orders a message sent to the House of Representatives informing that Honorable Body that the Senate has concluded the business for which it was convened by the Proclamation of the Governor and stands ready to adjourn this Extra Session of the 1993 General Assembly *sine die.*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**S.J.R. 179**

House of Representatives
March 26, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body respectfully advising that in accordance with **S.J.R. 179** "A JOINT RESOLUTION ADJOURNING THE 1994 EXTRA SESSION *SINE DIE*", the 1993 House of Representatives has concluded the public business before it and stands ready to adjourn.

Upon receipt of a message from your Honorable Body that the Senate is ready to open its doors, the doors of the House shall be open to the end that the gavels may fall simultaneously and adjournment may be declared *sine die.*

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Pursuant to the message that the House of Representatives has concluded the business before it and having notified that Honorable Body that the Senate has concluded the business before it, the President *Pro Tempore* of the Senate declares the Senate stands ready for adjournment, *sine die.* The President *Pro Tempore* orders the doors of the Senate thrown open. The Speaker of the House of Representatives is perceived standing ready to let the gavel fall.

The motion heretofore offered by Senator Conder, seconded by Senator Johnson prevails. The hour for adjournment *sine die* as fixed by Resolution 2 having arrived, the President *Pro Tempore* of the Senate, Marc Basnight, presiding in the absence of the Lieutenant Governor, Dennis A. Wicker, President of the Senate, declares the Senate of the 1993 General Assembly sitting in Extraordinary Session adjourned, *sine die.*

DENNIS A. WICKER
*President of the Senate*

SYLVIA MORRIS FINK
*Principal Clerk of the Senate*

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# ADDENDUM



## ERRATTA

March 25, 1994 (See page 159)

The following special message failed to be delivered to the House of Representatives after the President *Pro Tempore* advised the Senate Principal Clerk of his intention to appoint Senator Conder as an additional conferee to **S.B. 150**. Senator Conder did confer with the Committee and sign the report.

## EXTRAORDINARY SESSION
## SPECIAL MESSAGE FROM THE SENATE

**(S.B. 150)**

Senate Chamber,
March 22, 1994

*Mr. Speaker:*

It is ordered a message be sent to the House of Representatives that the President *Pro Tempore* has appointed Senator Conder as an additional conferee to the conference committee on **S.B. 150** (Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act, **which proposed to change the title, upon concurrence,** to read **S.B. 150** (House Committee Substitute), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994.

Respectfully,
S/Sylvia M. Fink
*Principal Clerk*

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 50 states:

> No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two–thirds of the membership of the Senate present and voting.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

(1) when a member moves that the Rule be suspended, and this motion prevails by at least a two–thirds vote of the membership of the Senate present and voting, or

(2) when the Chair determines that there is no objection from any member present, which constitutes unanimous consent that Rule 50 be suspended.

In these cases, the bill is read a third time and remains before the Senate for further consideration.

———————

It will be noted the phrase "without objection" appears throughout the Senate Journal. Upon a motion offered, this reflects a determination by the Chair there is no objection from a member present, which constitutes unanimous consent, for the order of the Chair.

———————

It will be noted that when a bill passes its second reading and remains on the Calendar for further consideration, unless indicated otherwise, the measure is placed on the Calendar for the next legislative day in its regular order of business.

———————

It will be noted that Rule 20(2) of the House of Representatives requires that "all measures affecting a fee imposed by the State or any subdivision thereof" are classified roll–call measures for the purpose of spreading the ayes and noes on the Journal. Though the Senate Rules do not require, the Rule of the House of Representatives is honored and the measures are considered as roll–call measures, unless ruled otherwise by the presiding officer.

———————

It will be noted that numerical figures appear within parentheses throughout the Senate Journal. These figures represent the affirmative and negative votes cast and recorded electronically, pursuant to Senate Rule 25. Copies of the voting print–out are on file in the Legislative Library.

Sylvia Fink
*Principal Clerk*

## SUMMARY OF BILLS AND RESOLUTIONS

### ORDERED SENT TO THE HOUSE OF REPRESENTATIVES

| Bill No. | Short Title | Final Action | (Identical Bill) |
|---|---|---|---|
| SB 3 | Mandatory Life/First Degree Rape | H Appr | (Id—H 3/Jud 3) |
| SB 4 | Violent Felonies/Effective Date | H Appr | (Id—H 4/Jud 3) |
| SB 5 | Three Strikes You're Out | H Jud 3 | (Id—H 5/Unfav) |
| SB 17 | Modify Prison Cap | H Appr | (Id—H 17/H Appr) |
| SB 28 | Trans. Juv. To Sup.Ct./Hearing/Records | H Appr | (Id—H 28/H Appr) |
| SB 30 | Clarify Victims Comp. | H Jud 3 | (Id—H 30/Ch. 3) |
| SB 34 | Seat Belt Enforced as Other Laws | H Jud 3 | (Id—H 34/Ch. 5) |
| SB 39 | Inmate Job Training | H Appr | |
| SB 40 | Require Alternative Punishments | H Const | |
| SB 41 | Teach American Values | H Appr | |
| SB 44 | Use of Deadly Force Against Intruder | H Jud 3 | |
| SB 46 | Amend Habitual Felon Law | H Jud 3 | |
| SB 75 | Publish Photographs of Juveniles | H Jud 3 | |
| SB 79 | Parole Eligibility | H Unfav | |
| SB 83 | Juveniles Fingerprints/Photographs | H Jud 3 | |
| SB 167 | Enhance Sentence if Use Firearm | H Jud 3 | |
| SB 170 | Sex Offender Registration | H Jud 3 | |
| SJR178 | Adjournment *Sine Die* | To House | |
| HB 6 | Amend Habitual Felon Law | H Jud 3 | (Id—S 6/S Correct.) |
| HB 8 | Amend Felony Firearms Act | Conference | (Id—S 8/S Correct.) |
| HB 29 | Longer Juvenile Commitments | H Jud 3 | (Id—S 29/S Juveniles) |

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### REMAINING IN THE SENATE TO BE TRANSFERRED TO ARCHIVES AND HISTORY 1994 EXTRA SESSION

The following bills and resolutions remained in the Senate upon adjournment *sine die* and shall be transferred to the Division of Archives and History of the Department of Cultural Resources upon adjournment *sine die* of the 1995 General Assembly in accordance with G.S. 120–37(f).

| Bill No. | Short Title | Identical Bill/Last Action |
|---|---|---|
| **CONFERENCE COMMITTEE** | | |
| HB 8 | Amend Felony Firearms Act | (Id—S 8/S Correct.) |
| **UNFAVORABLE** | | |
| SB 81 | Undisc. Juvenile Age 18 | |
| SB 104 | Feticide Crime | |

**Summary of Bills/Resolutions Remaining in the Senate**—Continued

| Bill No. | Short Title | Identical Bill/Last Action |
|---|---|---|
| **SENATE SIMPLE RESOLUTIONS** | | |
| SR 61 | Mem. Congress/Television Violence | (Appr) |
| SR 74 | Filing Deadline Amend. | (Adopted) |
| **APPROPRIATIONS** | | |
| SB 12 | Prison Construction Funds | |
| SB 13 | Funds to Lease Jail Space | |
| SB 14 | Out–of–State Housing Inmates | (Id—H 14/H Appr) |
| SB 15 | Substance Abuse Funds | (Id—H 15/H Appr) |
| SB 16 | DOC Efficiency Funds | |
| SB 18 | Support Our Stdnts/ Fam. Res. Ctrs./Funds | (Id—H 18/H Appr) |
| SB 20 | Wilderness Camps Funds | (Id—H 20/H Appr) |
| SB 21 | Boot Camp Funds | (Id—H 21/H Appr) |
| SB 22 | Coach Mentor Training Funds | |
| SB 23 | Gov. One on One Funds | (Id—H 23/H Appr) |
| SB 24 | DYS Comprehensive Study | (Id—H 24/H Rules) |
| SB 25 | Detention/Training Schools/CBA Funds | (Id—H 25/H Appr) |
| SB 31 | Victims Network Funds | |
| SB 33 | Just. Info./Law Comm. Funds | (Id—H 33/H Appr) |
| SB 35 | Mecklenburg Drug Court Funds | (Id—H 35/H Appr) |
| SB 36 | Drug Court Program Funds | |
| SB 37 | Drug/Alcohol Treatment Funds | (Id—H 37/H Hlth&HumServ) |
| SB 38 | Children, Youth, Families | |
| SB 42 | Alternative Schools Grants/Assignment | |
| SB 43 | Funds/Court Officers | |
| SB 47 | Prison Bond Act of 1994 | |
| SB 48 | Increase Burglary & Arson Penalties | |
| SB 49 | Domestic Elder Abuse or Neglect | |
| SB 53 | DOC/DHR Sub. Abuse Pilot/Funds | |
| SB 56 | Study Causes of Crime | |
| SB 58 | Crime Victims Compensation Fund | (Id—H 70/H Appr) |
| SR 61 | Limiting Violence on Television | |
| SB 63 | Public Executions | |
| SB 65 | Report on Crime Initiatives | |
| SB 66 | Deferred Prosecution Study | |
| SB 67 | Probation/Parole Diversion Study | |
| SB 70 | Reinstate Sentencing Provisions | |
| SB 71 | Structured Sentencing Funds | (Id—H 44/H Appr) |
| SB 72 | Crim. Justice Partnership/Funds | (Id—H 43/H Appr) |
| SB 76 | Corrections Oversight Committee | |
| SB 80 | Local Crime Prevention Grants | |
| SB 82 | Welfare Reform Study | |
| SB 85 | D.A. Access to PIN/Funds | |
| SB 86 | Child/Adolescent Mentoring Funds | (Id—H 78/H Appr) |
| SB 90 | Build Juvenile Group Homes | |
| SB 92 | LRC Weapons Proliferation | (Id—H 91/H Rules) |

**Summary of Bills/Resolutions Remaining in the Senate**
**APPROPRIATIONS**—Continued

| Bill No. | Short Title | Identical Bill/Last Action |
|---|---|---|
| SB 93 | Service Corps Funds | |
| SB 94 | DOC Dayroom Funds | (Id—H 109/H Appr) |
| SB 97 | Contract for Private Prisons | |
| SB 98 | Farm Camp Study | |
| SB 99 | Judicial Campaigns | |
| SB 100 | Felony to Assault Law Officer | |
| SB 102 | Work Camp Pilot | |
| SB 103 | Funds for Crime Stoppers | (Id—H 118/H Appr) |
| SB 106 | Satellite Jail Funds | (Id—H 63/H Appr) |
| SB 107 | Funds–2 | |
| SB 108 | Funds | |
| SB 109 | Funds–3 | |
| SB 111 | Build Phys. Train Fac. | |
| SB 112 | Incarcerations Altern. Funds | |
| SB 113 | False Bomb Alarm/Felony | |
| SB 114 | Prison Profits to Victims Fund | |
| SB 115 | Survival Fund LRC | |
| SB 116 | GAPS Funds | (Id—H 154/H Rules) |
| SB 117 | Law Off./Firearm Death Benefit | |
| SB 118 | Magistrates/Infraction Disposal | |
| SB 119 | Concurrent Jurisdiction | |
| SB 126 | Family Preserv. Funds | (Id—H 226/H Appr) |
| SB 128 | Expand Dart/Prisons | |
| SB 129 | Family Welfare Responsibility | (Id—S 163/S Appr) |
| SB 131 | Bunk Inmates In Shifts | (Id—H 104/H StGov) |
| SB 133 | Vanceboro Processing Funds | |
| SB 137 | Study Expedite Crim. Appeals | |
| SB 138 | Educational Neglect | |
| SB 139 | Add AGO Correction Staff | |
| SB 140 | Rights of Victims Amendments | |
| SB 141 | Treatment of Youthful Offenders | |
| SB 143 | AOC/Juv. Serv. Funds | |
| SB 144 | Teen Pregnancy Prev. Project | |
| SB 147 | Road Squads—Funds/Identification | |
| SB 148 | Presume Use of Force Reasonable | |
| SB 149 | Tuition Incentive/Funds | |
| SB 152 | Appropriations–2 | |
| SB 153 | Anticrime Funding Mechanism II | |
| SB 154 | Anticrime Funding Mechanism I | |
| SB 155 | Anticrime Funding Mechanism III | |
| SB 156 | Court Funding | |
| SB 157 | Superior Court Judges | |
| SB 158 | District Court Judges | |
| SB 159 | Court/Crime Prev. Funds | (Id—H 149/H Appr) |
| SB 160 | Magistrates' Qual./Pay Plan | (Id—H 150/H Cts&Just) |

**Summary of Bills/Resolutions Remaining in the Senate**

**APPROPRIATIONS**—Continued

| Bill No. | Short Title | Identical Bill/Last Action |
|---|---|---|
| SB 161 | Study/Criminal Info. Network | |
| SB 162 | Sheriffs' Drug Buy Funds | (Id—S 131/S Appr) |
| SB 163 | Bunk Inmates in Shifts | (Id—H 104/H StGov) |
| SB 164 | Drug Dealer Convict'n Reward Fund | |
| SB 165 | SBI Agents Salaries | |
| SB 168 | Parent to Supervise Child | |
| SB 173 | Reduce Budget One Percent | |
| SB 174 | Judicial Divisions/Compensation | |

**CORRECTIONS/PUNISHMENT**

| | | |
|---|---|---|
| SB 6 | Retain Current Habitual Felon Law | (Id—H 6/H Jud 3) |
| SB 7 | Felony to Possess Cocaine | (Id—H 7/Ch. 11) |
| SB 8 | Amend Felony Firearms Act | (Id—H 8/Conf Com) |
| SB 9 | Increase Firearm Penalty | (Id—H 9/H Appr) |
| SB 10 | Confiscate and Forfeit Guns | (Id—H 10/Ch. 16) |
| SB 11 | No Gun If Acquitted For Insanity | |
| SB 45 | Two Strikes You're In | |
| SB 51 | Capital Offense/Life Without Parole | |
| SB 52 | Mandatory Elected Sentence | |
| SB 55 | Use Weapon/10 Yr. Mandatory | |
| SB 57 | Death Penalty For Killing Officer | |
| SB 59 | Repeal Prison Cap | |
| SB 77 | Parole Eligibility | |
| SB 95 | Two Strikes You're In | |
| SB 96 | Parole Eligibility | |
| SB 101 | Additional State Troopers | (Id—H 107/H Appr) |
| SB 105 | Raise Reimbursement/Funds | (Id—H 64/H Appr) |
| SB 130 | Amend Statutory Rape Law | |
| SB 132 | Restoration of Citizenship | |
| SB 146 | Gun Funds/Gun Melt–Down | |
| SB 166 | Habitual Felon Act | |
| HB 51 | DOC Inmates Must Work | |
| HB 225 | MV Window Glazing | |

**COURTS**

| | | |
|---|---|---|
| SB 1 | Criminal Technical Amendments | |
| SB 32 | Commitment Info. to List Victim | (Id—H 32/Ch. 12) |
| SB 54 | Rights of Victims Amendment | |
| SB 60 | Restrict Victims Comp | |
| SB 73 | Victims Compensation Fund | |
| SB 78 | Victims Compensation Change | |
| SB 121 | Probation Violation Forfeiture | |
| SB 125 | Conform to N.C. Law to Brady Bill | (Id—H 212/H Jud 1) |
| SB 127 | No Gun Permit/Civil Liability | (Id—H 93/H Jud 1) |
| SB 135 | Eliminate Frivolous Lawsuits | |
| SB 136 | Expedite Criminal Appeals | |
| SB 175 | District Judge District 10 | (Id—H 148/H Appr) |

**Summary of Bills/Resolutions Remaining in the Senate**—Continued

| Bill No. | Short Title | Identical Bill/Last Action |
|---|---|---|
| **FINANCE** | | |
| SB 145 | Firearms Dealers License Tax | |
| **JUVENILES/PREVENTION** | | |
| SB 19 | Family Resource Center Grants | (Id—H 19/H Appr) |
| SB 26 | Training School Funds | (Id—H 26/H Appr) |
| SB 27 | Juv. Record/Open and Perm. | (Id—H 27/Ch. 7) |
| SB 29 | Juv. Commitment/18 | (Id—H 29/H Appr) |
| SB 62 | Drug Task Force Funds | |
| SB 64 | Evidence/Admit Juvenile Record | |
| SB 69 | Juv. Record Open | |
| SB 87 | Add Beds/Juv. Det. | |
| SB 88 | Don't Teach About Unlawful Acts | (Id—H 168/H Rules) |
| SB 91 | Build Residence/Juv. Offdrs | |
| SB 110 | CBA Law Change/Funds | (Id—H 147/H Cts&Just) |
| SB 120 | Open Juvenile Records | |
| SB 122 | Detention of Juveniles | |
| SB 134 | Child–Placement Alternatives/Funds | |
| SB 142 | Juv. Det. Alt. Funds | |
| SB 169 | Character Education in Schools | |
| SB 172 | Alternative Schools Required | |
| **RULES** | | |
| SB 68 | Hiring Parolees/ Completed Sentence Prisoners | (Id—H 217/H Rules) |
| SB 171 | Convene 1993 Session | |

**UNFAVORABLY REPORTED FOR COMMITTEE SUBSTITUTE AMENDMENT (* Title Change)**

| | | | |
|---|---|---|---|
| | SB 1 | Criminal Technical Amendments | |
| * | SB 3 | Brutal Rape/Life Without Parole | (Id—H 3) |
| | SB 4 | Violent Felonies/Effective Date | (Id—H 4) |
| | SB 8 | Amend Felony Firearms Act | (for CS#1)(Id—H 8) |
| | SB 8 | Amend Felony Firearms Act | (for CS#2) |
| | SB 14 | Out–of–State Housing Inmates | (Id—H 14) |
| * | SB 18 | Save Our Students (S.O.S.) Prog. Funds | (Id—H 18) |
| | SB 20 | Wilderness Camps Funds | (Id—H 20) |
| | SB 23 | Governor One on One Funds | (Id—H 23) |
| | SB 24 | DYS Comprehensive Study | (Id—H 24) |
| * | SB 25 | Detention Center Beds Funds | (Id—H 25) |
| | SB 28 | Trans. Juv. To Sup. Ct./Hearing/Records | (Id—H 28) |
| * | SB 30 | Clarify Victims Com/Funds | (Id—H 30) |
| * | SB 33 | Justice Information System Funds | (Id—H 33) |
| * | SB 35 | Mecklenburg Drug Court Funds | (Id—H 35) |
| * | SB 38 | Children, Youth, Families | (Id—H 38) |
| | SB 42 | Alternative Schools Grants/Assignment | |
| | SB 44 | Use of Deadly Force Against Intruder | |

**Summary of Bills/Resolutions Remaining in the Senate**
**UNFAVORABLY REPORTED FOR COMMITTEE SUBSTITUTE AMENDMENT (* Title Change)**—Continued

| Bill No. | Short Title | Identical Bill/Last Action |
|---|---|---|
| * SB 46 | Amend Habitual Felon Law | (for CS#1) |
| * SB 46 | Amend Habitual Felon Law | (for CS#2) |
| SB 49 | Domestic Elder Abuse or Neglect | |
| * SB 63 | Public Executions/County Hanging | |
| * SB 70 | Reinstate Sentencing Provisions | |
| SB 82 | Welfare Reform Study | |
| * SB 83 | Juvenile Fingerprints/Photographs | |
| SB 89 | Arrest Minor/Notify Parent | |
| SB 93 | Service Corps Funds | |
| * SB 103 | Court Cost to Crime Stoppers | (Id—H 118) |
| SB 112 | Incarcerations Alternative Funds | |
| * SB 113 | False Bomb Alarm/Felony | |
| SB 116 | GAPS Funds | (Id—H 154) |
| * SB 123 | Limit Privileges for Felons | (for CS#1)(Id—H 221) |
| * SB 123 | Limit Privileges for Criminals | (for CS#2)(Id—H 221) |
| * SB 123 | Limit Privileges for Felons | (for CS#3)(Id—H 221) |
| * SB 129 | Family Welfare Responsibility | |
| SB 132 | Restoration of Citizenship | (for CS#1) |
| * SB 132 | Restoration of Citizenship | (for CS#2) |
| * SB 137 | Speed Up Crim. Appeals Amend | |
| * SB 138 | Educational Neglect | |
| SB 139 | Add AGO Correction Staff | |
| SB 140 | Amendment/Victims' Rights | |
| * SB 141 | Guilford Juv. Det. Funds | |
| * SB 145 | Firearms Dealers License Tax | |
| * SB 147 | Road Squads—Funds/Identification | |
| * SB 148 | Presume Use of Force Reasonable | |
| * SB 149 | Tuition Incentive/Funds | |
| * SB 150 | Appropriations–1 | |
| * SB 151 | Appropriations–3 | |
| * SB 162 | Sheriffs' Drug Buy Funds | |
| SB 167 | Enhance Sentence If Use Firearm | (for CS#1) |
| SB 167 | Enhance Sentence If Use Firearm | (for CS#2) |
| * SB 168 | Parent to Supervise Child | |
| SB 170 | Sex Offender Registration | (for CS#1) |
| SB 170 | Sex Offender Registration | (for CS#2) |
| SB 176 | District Judge Districts 10/30 | |
| SB 177 | Judicial Filing Period | |

**Summary of Bills/Resolutions Remaining in the Senate**
**UNFAVORABLY REPORTED FOR COMMITTEE**
**SUBSTITUTE AMENDMENT (* Title Change)**—Continued

| Bill No. | | Short Title | Identical Bill/Last Action |
|---|---|---|---|
| * HB | 6 | Modify Habitual Felon Law | (HCS to SCS)(Id—S 6) |
| * HB | 7 | Felony to Possess Cocaine | (Id—S 7) |
| HB | 8 | Amend Felony Firearms Act | (HCS#2 to SCS)(Id—S 8) |
| HB | 10 | Disposition of Firearms | (HCS to SCS)(Id—S 10) |
| * HB | 11 | No Gun if Acquitted for Insanity | (HCS to SCS)(Id—S 11) |
| HB | 29 | Longer Juvenile Commitments | (HCS to SCS)(Id—S 29) |
| * HB | 30 | Clarify Victims Compensation | (HCS#2 to SCS)(Id—S 30) |
| HB | 32 | Commitment Info. to List Victim | (HCS to SCS)(Id—S 32) |
| HB | 34 | Seat Belt Enforced as Other Laws | (HCS to SCS)(Id—S 34) |
| * HB | 39 | Omnibus 1994 Anti–Crime Act | (HCS#2 to SCS) |
| * HB | 55 | Criminal Technical Amendments | (HCS to SCS) |
| HB | 110 | Change Temp Custody/Juvenile | (HCS to SCS) |
| * HB | 128 | False Report Misdemeanor | (HCS to SCS) |
| * HB | 145 | Charge Minor/Tell Parent | (HCS to SCS) |
| HB | 145 | Merchant Notify Minors Parents | (SCS for SCS#2) |
| * HB | 171 | Parole Notification to Newspapers | (HCS to SCS) |
| * HB | 200 | Parole Nonviolent Inmates | |

# APPENDIX



# NORTH CAROLINA GENERAL ASSEMBLY SENATORIAL DISTRICTS

(G.S. 120–1)

| DISTRICTS (Seats) | | COUNTIES Townships, Precincts, Census Tracts, Block Groups |
|---|---|---|
| 1st | (1) | **BEAUFORT** (Townships: Long Acre, Pantego, Washington: **Tract 9905:** Block Group 5 [522A, 528A]); **BERTIE** (Whites, Windsor 2); **CAMDEN; CHOWAN; CURRITUCK; DARE; HYDE; PASQUOTANK; PERQUIMANS; TYRRELL; WASHINGTON** (Plymouth 3, Scuppernong, Skinnersville). |
| 2nd | (1) | **BERTIE** (Colerain 1, 2, Indian Woods, Merry Hill, Mitchells 1, 2, Roxobel, Snakebite, Windsor 1, Woodville); **GATES; HALIFAX** (Butterwood, Conoconnara, Enfield 1, 2, 3, Halifax, Hobgood, Hollister, Littleton 1, 2, Palmyra, Roseneath, Scotland Neck 1, 2, Weldon 1, 2, 3); **HERTFORD; NORTHAMPTON; VANCE** (Dabney, Middleburg, Townsville, Williamsboro); **WARREN**. |
| 3rd | (1) | **CARTERET** (Townships: Atlantic, Beaufort, Cedar Island, Davis, Harkers Island, Harlowe, Marshallberg, Merrimon, Morehead: **Tract 9703:** Block Group 4 [437], **Tracts 9704, 9705, 9706:** Block Group 1, Block Group 2, Block Group 3 [301A, 302–359], Block Group 4, **Tract 9707,** Block Group 6 [601, 602, 621A, 621B, 624A, 625A, 626A, 627A, 628A, 629A, 630–648, 649A, 650–663], **Tract 9708:** Block Group 4: [401A, 459A, 460–463], Newport, Portsmouth, Sea Level, Smyrna, Stacy, Straits, White Oak: **Tract 9708:** Block Group 1 [101B, 102, 103C, 105–126, 130B, 139B], Block Group 2 [201, 203, 204], Block Group 4 [401C, 403–409, 410A, 410B, 410C, 411A, 411B, 411C, 412–414, 415A, 415B, 416, 417A, 417B, 418, 419A, 419B, 420A, 420B, 420C, 421–423, 424A, 424B, 425–444, 445A, 445B, 446–447, 448A, 448B, 449, 450A, 450B, 451–454, 455A, 455B, 456–457, 458B]); **CRAVEN; PAMLICO**. |
| 4th | (1) | **CARTERET** (Townships: Morehead: **Tract 9709**: Block Group 1 [108–124, 125A, 125B, 126–140], Block Group 2 [201A, 201C, 201D, 202–212], **Tracts 9710, 9711, 9711.99, 9712**, White Oak: **Tract 9708**: Block Group 2 [202, 205–256], Block Groups 3, 5, 6, 7, **Tract: 9709**: Block Group 1 [101–107, 141–154], Block Group 2 [201B], Block Groups 3, 4, 5, 6 [601–665]); **NEW HANOVER** (Cape Fear 2, 3, Federal Point 1, 2, 3, Harnett 2, 3, 4, 5, 6, 7, Masonboro 2, 3, 4, 5, Wilmington 8, 11, 12, 13, 14, 16, 17, 18, Wrightsville Beach); **ONSLOW** (Bear Creek, Catherine Lake, Cross Roads, Folkstone: **Tract 4**: Block Group 3 [301A, 301B, 302A, 302B, 303A, 303B, 304, 305A, 305B, 306A, 306B, 307, 308, 309A, 309B, 310, 311A, 311B, 312–318, 320–330, 340–347, 352–354, 362, 363], Holly Ridge: **Tract 4**: Block Group 4 [401A, 401B], Hubert, Mortons, Sneads Ferry: **Tract 4**: Block Group 3 [319], Swansboro, Tar Landing, Verona: **Tract 3**: Block Group 2 [216], Block Group 3: [301A, 301B, 302, 303A, 303B, 304A, 304B, 305, 306, 307A, 307B, 308, 309A, 309B, 310A, 310B, 313A, 313C, 314–325], Block Group 4 [425–431, 433–435]; Camp Lejeune Military Base 13); **PENDER** (Scott's Hill, Surf City, Lower Topsail, Upper Topsail). |

| | | |
|---|---|---|
| 5th | (1) | **DUPLIN; JONES** (Chinquapin, Cypress Creek, Tuckahoe); **ONSLOW** (Brynn Marr, Harris Creek, Haw Branch, Haws Run: **Tract 4**: Block Group 4 [408], Gum Branch, Half Moon: **Tract 12**: Block Group 1 [101B, 102B, 108B, 109B, 110–118, 128–132, 136, 137], Jacksonville, East Northwoods, West Northwoods, Richlands); **PENDER** (North Burgaw, Middle Holly: **Tract 9802**: Block Group 1 [112A, 113A, 124, 129A, 130A, 131A, 132–138, 163, 164, 191–195], Upper Holly: **Tract 9803**: Block Group 1 [101A], Long Creek, Penderlea, Rocky Point, Lower Union); **SAMPSON** (Autreyville, Clement, Central Clinton, East Clinton, Northeast Clinton, Southwest Clinton, West Clinton, Garland, Harrells, Herring, Ingold, Keener, Mingo, Plainview, Rowan, Salemburg, Turkey). |
| 6th | (1) | **EDGECOMBE** (Precincts: 1–1, 1–2, 1–3, 1–4, 2–1, 3–1, 4–1, 5–1, 6–1, 7–1, 8–1, 10–1, 11–1, 12–1, 12–2, 12–4, 12–5); **MARTIN** (Goose Nest, Hamilton, Hassell, Jamesville, Poplar Point, Robersonville 1, 2, Williams, Williamston 1, 2. **Tract: 9704**: Block Group 2 [202], **Tract 9705**: Block Group 4 [413], **Tract 9706**: Block Group 1 [168A]); **PITT** (Arthur, Belvoir, Bethel, Falkland, Farmville East, Farmville West, Fountain; Precincts: Greenville 1, 2, 2 (noncontiguous), 3, 4); **WASHINGTON** (Lees Mill, Plymouth 1, 2); **WILSON** (Gardners; Precincts: Wilson B, E, F, G, H, N, Q). |
| 7th | (1) | **JONES** (Beaver Creek, Pollocksville, Trenton, White Oak); **LENOIR** (Kinston 1, 2, 6, 7, 8, Southwest); **NEW HANOVER** (Cape Fear 1, Wilmington 1, 2, 3, 6, 7, 9, 10, 15); **ONSLOW** (Holly Ridge: **Tract 4**: Block Group 3 [331–339, 348–351, 355–361, 364], Block Group 4 [402–407, 409–426, 427A, 427B, 428–429, 430A, 430B, 431A, 431B, 432–434, 435A, 435B, 435C, 436A, 436B, 437A, 437B, 438–490, 491A, 491B, 492, 493A, 493B, 494–497], Mills: **Tract 1**: Block Group 1 [101–103, 104B, 105–112, 114, 115, 119, 120, 125B, 129B, 133, 134B, 135B, 136, 137B], New River, Northeast, Verona: **Tract 3**: Block Group 4 [432]. **VTD ZZZZ: Tract 1**: Block Group 1 [104A, 125A, 126–128, 129A, 130–132, 134A, 135A, 137A, 138, 139A, 140–143, 144A, 144B, 144C, 145–168, 169A, 170, 171A, 172–176, 177A, 177B, 178, 179, 185, 186, 196A, 196B, 197A, 197B], **Tract 2**: Block Group 6 [627A, 628, 629A, 629B, 630A, 631–633, 634A, 635A, 648A, 649A], **Tract 12**: Block Group 1 [101A, 102A, 103–106, 107A, 108A, 109A], **Tract 13**: Block Group 1 [107]; Camp Lejeune Military Bases 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14); **PENDER** (South Burgaw, Canetuck, Caswell, Columbia, Grady, Upper Holly: **Tract 9802**: Block Group 1 [101–105, 106A, 107A, 114–123, 125–128, 139–162, 165–180, 181A, 182–190, 196, 197], Block Group 2 [201A, 201B, 220], Upper Union). |
| 8th | (1) | **GREENE; LENOIR** (Neuse, Pink Hill 1, 2, Trent 1, 2, Woodlington); **WAYNE**. |
| 9th | (1) | **BEAUFORT** (Townships: Bath, Chocowinity, Richland, Washington: **Tract 9902**: Block Group 1 [129B, 130B, 131–156, 157B, 158B, 159B, 160B, 175B, 176B, 185B, 186B, 187B, 189–191, 197], Block Group 2, **Tracts: 9903, 9904**); **LENOIR** (Contennea, Falling Creek, Institute, Kinston 3, 4, 5, 9, Moseley Hall, Sandhill, Vance); **MARTIN** (Beargrass, Cross Roads, Griffins); **PITT** (Ayden East, Ayden West, Carolina, Chicod, Greenville 5, 6, 7, 8, 9, 10, 11, 12, 13, Grifton, Grimesland, Pactolus, Simpson, Swift Creek, Winterville East, Winterville West). |
| 10th | (1) | **EDGECOMBE** (Precincts: 9–1, 12–3, 13–1, 14–1); **HALIFAX** (Faucett, Ringwood, Roanoke Rapids 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11); **NASH; WILSON** (Black Creek, Saratoga, Stantonsburg, Toisnot, Wilson A, C, D, I, M). |

| | | |
|---|---|---|
| 11th | (1) | **FRANKLIN; JOHNSTON** (North Beulah, East Clayton, West Clayton, Cleveland, North O'Neals, South O'Neals, East Selma, West Selma, East Smithfield, North Smithfield, West Smithfield, Wilders, Wilson's Mills); **VANCE** (East Henderson, I, II, North Henderson I, II, South Henderson I, II, West Henderson I, IIA, IIB, Hilltop, Kittrell, Sandy Creek, Watkins); **WILSON** (Cross Roads, Old Fields, Spring Hill, Taylors, Wilson J, K, L, P). |
| 12th | (2) | **ALLEGHANY; ASHE; GUILFORD** (North Madison, South Madison, Stokesdale, North Washington, South Washington); **ROCKINGHAM; STOKES; SURRY; WATAUGA.** |
| 13th | (2) | **DURHAM; GRANVILLE; PERSON** (Allensville, Cunningham–Chub Lake, Holloway, Mt. Tirzah, Roxboro City #1, 1A, 2, 3, 4, Woodsdale); **WAKE** (Buckhorn, Cedar Fork, House Creek #1, Leesville #1, 3, New Light #2, White Oak #2). |
| 14th | (2) | **JOHNSTON** (North Elevation, South Elevation, Pleasant Grove); **WAKE** (Holly Springs, Little River 1, 2, Marks Creek 1, 2, Middle Creek 1, 2, Panther Branch, Raleigh 01–01 through 01–07, 01–09 through 01–23, 01–26, 01–27, 01–27 (part), 01–28 through 01–46, St. Mary's 1, 2, 3, 4, 6, 7, St. Matthews 1, 2, 3, 4, Wake Forest 1, 2). |
| 15th | (1) | **HARNETT; JOHNSTON** (North Banner, South Banner, West Banner, Bentonville, South Beulah, North Boon Hill, South Boon Hill, East Ingrams, West Ingrams, North Meadow, South Meadow, Micro, Pine Level); **LEE** (Cape Fear, Cumnock, Deep River, Jonesboro, East Sanford, West Sanford 1, 2, 3); **SAMPSON** (Kitty Fork, Newton Grove, Giddensville, Westbrook). |
| 16th | (2) | **CHATHAM; LEE** (Greenwood, East Pocket, West Pocket); **MOORE; ORANGE; RANDOLPH** (Armory, North Asheboro, East Cedar Grove, West Cedar Grove, Coleridge, Deep River, Eastside, Falls, Franklinville, Grant, Liberty, Lindley Park, Loflin, McCrary, New Hope, Providence, East Ramseur, West Ramseur, East Randleman, West Randleman, Richland, South Pointe, Staley, Union, Westside, Worthville). |
| 17th | (2) | **ANSON; HOKE** (Buchan, Fort Bragg, Puppy Creek, McCain, Rockfish); **MONTGOMERY; RICHMOND; SCOTLAND; STANLY** (For Township: Almond— see District 22); **UNION.** |
| 18th | (1) | **BLADEN** (For Townships: Hollow, White Oak—see District 30); **BRUNSWICK; COLUMBUS; NEW HANOVER** (Wilmington 4, 5). |
| 19th | (1) | **DAVIDSON** (Abbotts Creek, Thomasville 8); **GUILFORD** (Bruce, Clay, North Center Grove, South Center Grove, Deep River, Fentress 1, 2, Friendship–1, Greene, Jamestown–3, Oak Ridge, Greensboro 20, 27A, 27B, 27C, 34A, 37A, 37B, 39, 41A, High Point 8, 16, 20, 23, 24); **RANDOLPH** (East Archdale, West Archdale, Back Creek, Concord, Level Cross, North New Market, South New Market, Prospect, Tabernacle, East Trinity, West Trinity). |
| 20th | (2) | **FORSYTH** (For Clemmonsville 2, 3—see District 38). |
| 21st | (1) | **ALAMANCE; CASWELL; PERSON** (Bushy Fork, Flat River, Hurdle Mills, Olive Hill). |
| 22nd | (1) | **CABARRUS; ROWAN** (Blackwelder Park, Bostian School, Bradshaw, S. China Grove, Enochville, East Kannapolis, West Kannapolis, East Landis, West Landis, Locke, Steele); **STANLY** (Township: Almond). |

23rd (1) **DAVIDSON** (Boone, Central, Cotton, Southmont, Lexington 1, 2, 4, Ward 1, 2, 3, 4, 5, 6, Tyro, Silver Hill); **IREDELL** (Barringer, Coddle Creek 1, 2, 3, Cool Springs, Eagle Mills, New Hope, Olin, Statesville 3, 4, 5, 6, Turnersburg, Union Grove); **ROWAN** (Cleveland, Faith (noncontiguous), Franklin, Hatters Shop, Milford Hills, Mt. Ulla, West Innes, Scotch Irish, Spencer, East Spencer, Trading Ford, Trading Ford (noncontiguous A), Unity, East Ward I, II, North Ward I, II, South Ward, West Ward I, II, III).

24th (1) **CUMBERLAND** (Alderman, Black River, Brentwood, Cedar Creek, Cross Creek 4, 7, 8, 9, 10, 11, 12, 14, 15, 18, 20, 21, 22, 23, Cumberland 1, 2, Hope Mills 1, Judson, Linden, Long Hill, Manchester, Montclair, Pearces Mill 2, 3, 4, Seventy First 2, 3, Sherwood, Stedman, Vander, Wade).

25th (1) **CLEVELAND** (Falston, Lawndale, Polkville, Shelby 4); **GASTON** (Armstrong, Ashbrook, Bessemer City 1, 2, Cherryville 1, 2, 3, Crowders Mtn., Dallas 1, 2, Firestone, Flint Groves, Gardner Park, Grier, Health Center, Highland, Landers Chapel, Memorial Hall, Lowell, McAdenville, Myrtle, Ranlo, Robinson, Sherwood, Tryon, Woodhill, Victory); **LINCOLN** (Crouse, Heavners, Lincolnton/North, Lincolnton/South, Lithia, Love Memorial, Long Shoals, North Brook I/II).

26th (1) **CATAWBA; LINCOLN** (Asbury, Boger City, Buffalo Shoals, Daniels/Vale, Hickory Grove, North Brook III, Pumpkin Center).

27th (2) **ALEXANDER; AVERY; BURKE** (Drexel 1, 2, 3, Icard 1, 2, 3, 4, 5, Jonas Ridge, Linville 1, Lovelady 1, 2, 3, 4, Lower Creek, Lower Fork, Morganton 7, Smoky Creek, Upper Creek, Upper Fork); **CALDWELL; MITCHELL; WILKES; YADKIN.**

28th (2) **BUNCOMBE** (For Broad River, Fairview, Limestone 2—see District 42); **BURKE** (Linville 2, Morganton, 1, 3, 4, 5, 6, 8, 9, 10, Quaker Meadow 1, 2, Silver Creek 1, 2, 3, 4); **MADISON; McDOWELL; YANCEY.**

29th (1) **HAYWOOD** (For Townships: Cecil, Pigeon—see District 42); **HENDERSON** (Armory, Brickton, Brickton (noncontiguous), North Blue Ridge, Clear Creek, Hendersonville 1, 2, 3, Long John Mountain, Moores Grove, Northeast, Northwest (noncontiguous), North Mills River, South Mills River, Pisgah View); **JACKSON** (For Township: Cashiers—see District 42); **MACON** (Townships: Cowee, Franklin: **Tract 9702**: Block Group 1 [101B, 110C, 120–129, 130B, 131–140], Block Group 2 [216C], **Tract 9703**: Block Groups 1, 2, 3 [302A, 302B, 304, 307, 308, 309A, 309B, 310A, 310B, 310C, 311–314, 315A, 315B, 316, 317A, 317B, 318–321], Block Groups 4, 5, 6 [601–605, 606A, 607A, 607B, 608, 609A, 610, 611, 612A, 622, 623, 634–637], Block Groups 7, 8 [801B, 802, 804–828], **Tract 9704**: Block Group 1 [160A, 161A, 162A, 164–166], Block Group 2 [218A, 218B, 220, 221A, 221B], **Tract 9706**: Block Group 1 [101–125, 126A], Block Group 2 [201–210, 211B, 211C, 212–226, 227A, 228–238, 239A, 241, 242, 243A, 244A, 245A, 246–251, 252A, 253, 254A, 257–259], Block Group 3 [301C, 306B, 307B, 311A, 312, 313A, 314, 315, 321B], Block Group 4 [408B, 413], **Tract 9707**: Block Group 1 [111B, 112B, 113–118, 119B, 120B, 121B, 123, 136B, 139–141], Block Group 2 [205–207, 210–222], Block Group 3 [301–312, 313A, 314–318, 319A, 320, 321A], Block Group 4 [401B, 401C, 404B, 411A]); **SWAIN; TRANSYLVANIA** (Townships: Boyd, Brevard).

30th (1) **BLADEN** (Townships: Hollow, White Oak); **CUMBERLAND** (Beaver Dam, Hope Mills 2); **HOKE** (Allendale, Antioch, Blue Springs, Raeford 1, 2, 3, 4, 5, Stonewall); **ROBESON; SAMPSON** (Roseboro, Lakewood).

31st (1) **GUILFORD** (Gibsonville, Jamestown 1, 2, North Jefferson, South Jefferson, North Monroe, South Monroe, North Sumner, South Sumner, Whitsett, (GIB–G), Greensboro 3, 4, 5, 6, 7, 8, 9, 19, 25, 29, 30, 42, 44, 45, High Point 3, 5, 6, 7, 11, 12, 13, 18, 21, 22).

32nd (1) **GUILFORD** (Friendship–2, Greensboro 1, 2, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24A, 24B, 24C, 26A, 26B, 28, 31, 32, 33, 34B, 35A, 35B, 35C, 36, 38, 40A, 40B, 41B, 43, High Point 1, 2, 4, 9, 10, 14, 15, 17, 19).

33rd (1) **MECKLENBURG** (Long Creek 2, Charlotte Precincts: 11, 12, 13, 14, 16, 16 (part), 22, 25, 27, 31, 39, 41, 42, 50, 52, 54, 55, 56, 57, 58, 59, 73, 75, 76, 77, 87, 92, 93, 97, 98).

34th (1) **LINCOLN** (Lowesville, Triangle); **MECKLENBURG** (Berryhill, Cornelius, Crab Orchard 2, Davidson, Huntersville, Lemly, Long Creek 1–North, Long Creek 1–South, Mallard Creek 1, 1 (part), 2, XMallard Creek–2 (noncontiguous), Oakdell, Paw Creek 1, 2, Steel Creek 1, 2, Charlotte Precincts: 4, 23, 24, 26, 40, 53, 60, 78, 79, 80, 81, 82, 89, 105).

35th (1) **MECKLENBURG** (Clear Creek, Matthews 1, 2, 3, 4, Mint Hill 1, 2, 3, Pineville, Providence 1, 2, 3, Charlotte Precincts: 8, 19, 32, 36, 47, 48, 65, 66, 67, 68, 69, 70, 71, 72, 74, 83, 85, 86, 88, 90, 91, 93 (part), 94, 96, 100, 102).

36th (1) **WAKE** (Bartons Creek 1, 2, Cary 1, 2, 3, 4, 5, 6, 7, 8. 9, 10, House Creek 2, 3, 4, 5, 6, Leesville 2, Meredith, Neuse 1, 2, New Light 1, St. Marys 5, Swift Creek 1, 2, 3, 4, White Oak 1).

37th (1) **CLEVELAND** (Bethware, Boiling Springs, Casar, Grover, Holly Springs, East Kings Mountain, West Kings Mountain, Lattimore, Mooresboro–Youngs, Mulls, Pearl, Shanghai, Shelby 1, 2, 3, 5, 6, 7, Waco); **RUTHERFORD.**

38th (1) **DAVIDSON** (Alleghany, Arcadia, Denton, Emmons, Hampton, Healing Springs, Holly Grove, Jackson Hill, Lexington 3, Liberty, Midway, Reeds, Reedy Creek, Silver Valley, Thomasville 1, 2, 3, 4, 5, 7, 9, 10, Welcome, Yadkin College); **DAVIE; FORSYTH** (Clemmonsville 2, 3); **ROWAN** (Barnhardt Mill, Bostian Crossroads, N. China Grove, Faith, Gold Knob, Granite Quarry, Morgan I, II, Rockwell, Sumner).

39th (1) **GASTON** (Alexis, Belmont 1, 2, 3, Catawba Heights, Cramerton, High Shoals, Forest Heights, Gaston Day, South Gastonia, Lucia, Mt. Holly 1, 2, New Hope, Southpoint, Stanley 1, 2, Union); **IREDELL** (Bethany, Chambersburg, Coddle Creek 4, Concord, Davidson, Fallstown, Sharpesburg, Shiloh, Statesville 1, 2); **LINCOLN** (Denver, Iron Station, Salem, Westport).

40th (1) **MECKLENBURG** (Crab Orchard 1, Charlotte Precincts: 1, 2, 3, 5, 6, 7, 9, 10, 15, 17, 18, 20, 21, 28, 29, 30, 33, 34, 35, 37, 38, 43, 44, 45, 46, 49, 51, 61, 62, 63, 64, 84, 95, 104.)

41st (1) **CUMBERLAND** (Beaver Lake, Cottonade, Cross Creek 1, 2, 3, 5, 6, 13, 16, 17, 19, 24, Eastover, Morganton Road 1, 2, Spring Lake, Seventy First 1, Westarea).

42nd (1) **BUNCOMBE** (Broad River, Fairview, Limestone 2); **CHEROKEE; CLAY; GRAHAM; HAYWOOD** (Townships: Cecil, Pigeon); **HENDERSON** (Bat Cave, South Blue Ridge, Bowmans Bluff, Crab Creek, Edneyville, Etowah, Flat Rock, Fletcher, Green River, Grimesdale, Hoopers Creek, Horse Shoe, Laurel Park, Northwest, Park Ridge, Raven Rock, Rugby, Southeast, Southwest, Valley Hill); **JACKSON** (Township: Cashiers); **MACON** (Townships: Burningtown, Cartoogechaye, Ellijay: **Tract 9706**: Block Group 2 [211A], Flats, Franklin: **Tract 9703**: Block Group 6 [606B, 607C, 609B, 612B, 612C, 612D, 613–618, 619A, 619B, 620, 621, 624–631, 632A, 632B, 633A, 633B], Block Group 8 [829–831, 832B], **Tract 9707**: Block Group 1 [101–109, 110B], Block Group 2 [201A, 201B, 201C, 202A, 202B, 202C, 202D, 203, 204, 208, 209], Highlands, Millshoal, Nantahala, Smiths Bridge, Sugar Fork: **Tract 9706**: Block Group 3 [301E, 304B, 337B, 339B, 340B, 343–369]); **POLK; TRANSYLVANIA** (Townships: Catheys Creek, Dunns Rock, Eastatoe, Gloucester, Hogback, Little River).

# SENATE RESOLUTIONS

## EXTRAORDINARY SESSION 1994

Offered February 10, 1994 (See pages 27, 49, 64)

**S.R. 61, A SENATE SIMPLE RESOLUTION REQUESTING MEMBERS OF CONGRESS REPRESENTING NORTH CAROLINA TO CONSIDER, SPONSOR, AND PUSH FOR ENACTMENT OF CONSTITUTIONAL LEGISLATION LIMITING VIOLENCE ON TELEVISION.**

Be it resolved by the Senate:

Section 1. The Senate of North Carolina finds that depiction of unlawful acts of violence on television is at a grossly excessive level. Such depictions, especially when viewed by children, foster the attitude that criminal acts of violence are normal and should be a way to resolve personal problems and disputes.

Sec. 2. The Senate of the State of North Carolina requests the members of the Congress of the United States representing North Carolina to consider, sponsor, and push for enactment of legislation which will effectively while still constitutionally reduce the depiction on television of unlawful acts of violence.

Sec. 3. The Senate of the State of North Carolina requests each member of Congress representing North Carolina to respond in writing what that member can do and is doing to carry out the request of the Senate. Such response shall be directed to the President Pro Tempore of the Senate.

Sec. 4. The Principal Clerk of the Senate shall transmit a copy of this resolution to each member of Congress representing North Carolina.

Sec. 5. This resolution is effective upon adoption.

Adopted February 10, 1994 (See page 29)

**S.R. 74, A SENATE SIMPLE RESOLUTION TO PERMANENTLY AMEND THE RULES FOR THE 1994 EXTRA SESSION TO EXTEND THE PERIOD FOR FILING FOR INTRODUCTION OF BILLS.**

# EXECUTIVE ORDERS of the GOVERNOR OF THE STATE OF NORTH CAROLINA

## JAMES B. HUNT, JR.

In compliance with G.S. 150A (Art. 5) and Chapter 479 (S.B. 1 [Sec. 152]) of the 1985 Session Laws, the Office of the Governor of the State of North Carolina has filed with the Senate Principal Clerk a copy of all Executive Orders issued following adjournment of the First Regular Session of the 1993 General Assembly through adjournment *sine die* of the Extraordinary Session of 1994, as summarized below.

The full text of Executive Orders 21 through 40 issued by Governor James B. Hunt, Jr. can be found in the Session Laws of the 1993 General Assembly, Second Session 1994.

| Executive Order | Title | Date of Issuance |
|---|---|---|

21 **Local Government Partnership Council** August 12, 1993

**Establishes:** Council. **Membership:** 18 members; appointed by: Governor—10; President Pro Tempore—2; Speaker of the House of Representatives—2; Secretaries (designee) Departments of Environment, Health, and Natural Resources; Transportation; and Human Resources. **Chairman**: Lieutenant Governor. **Vice–Chairman:** municipal/county official appointed by Governor. **Ex–Officio**: Executive Directors of North Carolina Association of County Commissioners; North Carolina League of Municipalities; Governor's Director of Intergovernmental Relations. **Terms**: 2–years; limit 2 consecutive terms. **Meets:** 3 times annually and at call of Governor. **Purpose**: advise Governor/cabinet on local government issues. **Duties**: identify/review proposals; recommend/assist Intergovernmental Relations Office; advise Advisory Budget Commission on needs. **Staff**: Intergovernmental Relations Office. **Effective**: immediately.

22 **Equal Employment Opportunity** August 13, 1993
**Rescinds Martin Administration Executive Orders 18, 76**

**Sec. 1, 2**: outlines compliance/implementation of policies/programs. **Sec. 3**: outlines State Personnel Director's duties. **Sec. 4**: quarterly report to Governor requirements. **Sec. 5:** citizen input encouraged. **Sec. 6**: veteran's preference protected. **Effective**: immediately.

23 **Public School Administrator Task Force** August 26, 1993

**Rescinds**: Executive Order No. 12, Public School Administrator Task Force. **Re–establishes**: Task Force. **Membership**: Governor appoints: 12 from business/industry; 9 from public school system; as follows (or designee): Director—State Personnel, State Auditor, Superintendent—Public Instruction, and State Budget Officer. **Chairman**: appointed by Governor. **Duties**: analyze administrator– teacher– student ratios to determine quality education; develop school administrator guidelines. **Report**: May 1, 1994—Joint Legislative Education Oversight Committee and State Board of Education. **Expenses**: travel/expenses as allowed by law. **Support**: Office of Governor/State agencies. **Effective**: immediately. **Terminates**: upon report.

24 **Emergency Relief for Damage Caused by Hurricane Emily** September 7, 1993

**Sec. 1, 2:** waives with conditions gross weight restriction on vehicles transporting food, supplies, and equipment to Hurricane Emily victims; **Sec. 3:** verification of supplies required; waiver of $50.00 fee (G.S. 105–449.49), insurance registration and quarterly fuel tax; **Exemption:** G.S. 136–72 posted bridges. **Effective:** immediately. **Terminates**: 30 days.

25 **Martin Luther King, Jr. Holiday Commission** September 7, 1993
**Governor's Task Force on Rail Passenger Service**
**Rescinds Martin Administration Executive Orders 55, 71, 94, 101, 161, 125**

King Commission statutory by 1993 S.L. Ch. 502 (H 1260); Rail Council statutory by 1993 S.L. Ch. 483 (S 64). **Sec. 1,2**: rescinds above–referenced Orders. **Effective**: immediately.

26 **North Carolina Public Employee Deferred Compensation Plan** September 7, 1993
**Rescinds Martin Administration Executive Order 39, 185**

**Establishes**: Board of Trustees to assume responsibilities established by Martin Administration Executive Order 39. **Membership/Terms**: set by G.S. 143B–426.24. **Support**: Secretary of Administration; funding in accordance with G.S. 143B–426.24(l) and (m). **Effective**: immediately.

27 **Governor's Commission for Recognition of State Employees** September 7, 1993
**Rescinds: Previous Conflicting Executive Orders.**

**Establishes:** Commission. **Membership:** 5 members—2 active or retired State employees; 2 private enterprise employees appointed by Governor; and 1 appointed by State Personnel Commission. **Chair:** Commission appointee. **Staggered Four–Year Terms:** two initial two–year terms. **Duties**: annual recommendation of "North Carolina State Employees Appreciation Week"; and annual selection of State employee recipient for "Governor's Award for Excellence." **Award Standard:** Commission establishes number/standards/selection process. **Support:** Department of Administration. **Effective:** immediately.

28 **Agriculture, Forestry, and Seafood Industry Advisory Committee** September 28, 1993

**Establishes**: volunteer Committee. **Membership**: 15 members appointed by Governor. **Chair/Vice Chair:** designated by Governor. **Staggered Two–Year Terms**: initially one half serves one–year term. **Meets**: quarterly upon call of Governor or Chair. **Duties**: advise/inform Governor regarding field, forest, and water policies; afford citizens opportunity to voice opinion on these matters; and as directed by Governor. **Support**: Governor's Office. **Compensation:** None. **Effective**: immediately.

29 **Teacher Advisory Committee** September 28, 1993

**Establishes**: Committee. **Membership**: 15 members appointed by Governor. **Chair**: designated by Governor. **Terms**: 2 years. **Meets**: quarterly and upon call of Governor. **Quorum**: simple majority. **Expenses**: in accordance with law, and substitute teacher pay with conditions. **Support**: Office of the Governor. **Duties**: advise Governor re improving teaching conditions; recommendations as to ending intellectual isolation among teachers; promote teaching careers; recognize entrepreneurial schools; promote certification by National Board for Professional Teaching Standards; and advisory committee to North Carolina Standards and Accountability Commission. **Effective**: immediately.

30 **Highway Beautification Council** September 28, 1993
**Rescinds: Martin Administration Executive Order 126 and 133**

**Establishes**: Council. **Membership**: 20 members appointed by Governor; each transportation division represented by 1 member; 6 at–large. **Terms**: 4–year staggered terms; initial terms—10 two years and 10 four years. **Chair**: designated by/serves at pleasure of Governor; coordinates Council activity. **Purpose**: forum for citizens' input/participation in highway beautification programs; recommendations as to expenditures for plantings; provide information to citizenry regarding beautification programs; promote anti–litter campaigns; and recommend measures to reduce solid waste by 25% in 1993 and by 40% by 2001. **Support**: Department of Transportation. **Compensation:** travel/subsistence. **Effective**: immediately.

31 **State Commission on National and Community Service** October 1, 1993
**Rescinds: Martin Administration Executive Orders 139, 185**

**Establishes**: Commission. **Membership**: 25 (no less than 15) bipartisan members appointed by Governor; 50% plus one from same party. **Terms**: 3–year staggered; restricted two consecutive terms; 25% State employees; other membership requirements specified; Vacancies filled by Governor. **Officers**: Chair, Vice Chair,

Secretary, and Treasurer elected by Commission. **Officer Duties:** outlined in Section 3. **Standing Committees**: Chair appoints: Youth Voice, Volunteer Recognition, Evaluation, Community Collaboration, Resource Development. **Committee Duties:** Section 5. **Meets**: quarterly; **Quorum**: simple majority voting members. **Attendance Requirement:** 25% of meetings or forfeit membership. **Commission Duties**: Section 7. **Support**: Governor's Office of Citizen Affairs; necessary travel/subsistence expenses. **Effective**: immediately.

32 **Governor's Advisory Commission on Military Affairs** October 21, 1993
**Rescinds: Martin Administration Executive Orders 151, 163, 170, 185**

**Re–establishes**: Commission. **Membership**: 15 members appointed by Governor. Terms: 3–years. **Chair:** Governor designates. **Ex–Officio/Non–Voting**: 12 members (designee) of following: Secretaries of—Administration; Transportation; Environment, Health, and Natural Resources; Crime Control and Public Safety; Commerce; Base Commanders of—Fort Bragg, Camp LeJeune, Cherry Point, and Elizabeth City Coast Guard Air Station; Wing Commander of 4th and 23rd Wing; and Adjutant General of the North Carolina National Guard. **Meets**: regularly at call of chair/Governor. **Duties**: provide discussion forum for military issues; promote defense installations within State. **Support**: Department of Crime Control and Public Safety. **Expenses:** reimbursement for travel/subsistence. **Effective**: immediately.

33 **Persian Gulf War Memorial Commission** November 10, 1993
**Rescinds: Martin Administration Executive Orders 152, 160, 167**

**Establishes**: Commission. **Membership**: 2 members Persian Gulf War casualty family; 1 member North Carolina Veteran's Affairs Commission; 1 at–large member; Secretaries (designee) of: Cultural Resources, Administration, Crime Control and Public Safety. **Chair:** Governor appoints. **Meets:** call of Governor. **Purpose:** study feasibility of Persian Gulf War Memorial including design, site selection, and funding. **Support:** Department of Administration. **Expenses:** travel/subsistence allowance. **Effective:** immediately.

34 **Highway Safety Commission** November 23, 1993
**Rescinds: Martin Administration Executive Orders 12, 161, 185**

**Establishes**: Commission. **Membership**: 15 members appointed by Governor. **Terms:** 4–year staggered terms. **Chair:** Governor appoints. **Meets**: regularly—call of Chair; special at call of Chair, Governor, or Secretary of Transportation. **Support**: Governor's Highway Safety Program. **Expenses:** necessary travel/subsistence. **Duties**: establish state–wide highway safety goals/objectives; review proposed highway safety legislation; monitor operations of State's Highway Safety Management System; collect, analyze, distribute highway safety information; survey public opinion/attitudes/ideas on highway safety; establish innovative highway safety programs/activities; and advise Governor as to highway safety promotion. **Effective**: immediately.

35 **Governor's State Employee Action Commission** November 29, 1993
**Rescinds: Martin Administration Executive Order 89**

**Establishes**: Commission. **Members**: Governor's Ombudsman **(Chair)**; Person (designee) as follows: Secretaries of—Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment, Health and Natural Resources, Human Resources, Revenue, Transportation; Commissioners of—Agriculture, Insurance, Labor; Attorney General; State Auditor; President, Community Colleges; State Comptroller; Superintendent of Public Instruction; State Treasurer; Director, Office of State Personnel; State Budget Officer; Directors—Office of Administrative Hearings; Executive Director and Director of Government Relations of State Employees Association of NC, Inc.; General Administration of University System representative. **Subcommittees:** Chair may appoint. **Duties**: collective concerns/policy issues of state employees; recommendations/annual report to Governor. **Meets**: annually at call of Chair; subcommittees at discretion of Chair. **Support**: Office of Governor administrative only. **Effective**: immediately.

36 **Smoking Policy Coordinating Committee** January 7, 1994

**Establishes**: smoking policy compliance plan. **Secretary of Administration**: establish/appoint Smoking Policy Coordinating Committee; coordinate department compliance; inform/advise State departments as to obligations; and facilitate adoption/publication of formal/informal dispute resolution policy. **Effective**: immediately.

37 **Citizen Access to Public Records Maintained by State Government** January 28, 1994
**Rescinds: Conflicting Executive Orders**

**Purpose**: information in any medium available to public at cost of reproduction. **Applicable**: Departments of Administration and Transportation; Order may be extended to all agencies after 9–months and cost evaluation; agencies shall keep records of requests and costs. **Responsibilities**: develop register of information detailing requests, names, fees in language comprehensible to general public; Information Resource Management Commission shall determine form of list maintained prior to register. **Confidentiality:** computer hardware/software purchased after effective date of this Order should be capable of separating confidential information maintained on data base. No request for information shall be denied on grounds of confidentiality. **Access/Fees**: person requesting elects medium of reproduction/certified copies; fees detailed in Section 4(b); public may petition Information Resource Management Commission as to unfair fees. **Effective**: immediately.

38 **Council on Health Policy Information** February 4, 1994
**Rescinds: Martin Administration Executive Orders 162, 174**

**Establishes**: Council. **Members**: as follows (designee): State Health Director, DEHNR **(Chair)**; Chief Policy Advisor to Governor; Director, Division of Medical Assistance, DHR; Director, Office of State Planning; Commissioner of Insurance; State Budget Officer; Director, Office of Rural Health and Resources Development, DHR; Director, Division of Aging, DHR; Director, Division of Facility Services, DHR; Director, Division of Mental Health, Developmental Disabilities, and Substance Abuse, DHR; Chair, State Health Coordinating Council, DHR; Chair, Commission for Health Services; representative, Division of Maternal and Child Health, DEHNR; Executive Director, North Carolina Health Planning Commission; Chair, Minority Health Council, DHR; Appointed by the Governor: 1 Representative; 1 Senator; 2 representatives of private insurance companies. **Ex–Officio Members**: as follows (designee): Director, State Center for Health and Environmental Statistics, DEHNR; Executive Director, Medical Database Commission, Department of Insurance; Director, Health Policy Unit of the Cecil G. Sheps Center for Health Services Research, University of North Carolina School of Public Health. **Requested to Serve**: as follows (designee): President, North Carolina Health Care Facilities Association; President, Association of Local Health Directors; President, North Carolina Hospital Association; Executive Director, North Carolina Association for Long–Term Care Facilities; President, North Carolina Medical Society; Director, Duke University Institute for Health Policy; President, North Carolina Minority Health Center; President Citizens for Business and Industry; North Carolina Child Advocacy Institute representative; Executive Director, Partnership for Children. **Meets**: monthly/or at call of Chair. **Duties:** submit to Governor a State Health Data Plan outlining data–based health policy–making; and a process for collaborative health policy formulation. **Authorizes:** Council to collect data, hold public hearings, and set up ad hoc committees. **Support**: grant from Robert Wood Johnson Foundation administered by DEHNR pursuant to Executive Budget Act. **Expenses:** Travel/subsistence reimbursement. **Effective**: immediately.

39 **Public School Administrator Task Force** February 4, 1994
**Amending Executive Order Number 23**

**Duties:** Section 4 expands duties to report findings and recommendations to the Joint Legislative Education Oversight Committee and to the State Board of Education by February 1, 1995. **Effective**: immediately.

40 **Commission for a Competitive North Carolina** March 21, 1994
**Amending Executive Order Number 9**

**Members:** Section 2 amends membership to 45 members appointed by the Governor. Membership may include representatives of the private sector, the nonprofit sector, local government, and the North Carolina General Assembly. **Effective**: immediately.

February 8, 1994 (See page 8)

Senator Lucas offers the following remarks:

Thank you, Mr. President. Mr. President, Members of the Senate, ladies and gentlemen. I want to first express my appreciation to my escorts. Bill Martin is the senior member African–American male, right? And Wib Gulley is from my district, and Frank is the Chair of the Caucus. So I want to thank them for escorting me. You may remain here, for I will be very brief.

"I want to express my appreciation to the Senatorial Committee that recommended my appointment, and also to Senator Ralph Hunt, who encouraged me to this position. It's historic that this is Black History Month and that I'm being appointed or seated at this time. I want to say to you that I look forward to working with the Senators, and also meeting the challenges that are facing us. It's a historic moment that the first African–American female has this opportunity to bring the persuasion of so many females to what's occurring in our communities. We look forward to addressing the issues that are holding our communities hostage. We also know that our strengths, our energies, our wisdom will allow us to be very responsive elected officials. So I look forward to that.

"I'm honored and privileged and proud of this moment—having been chosen. North Carolina is a great State. When I was in the first grade, I sang a song that said, "Hurrah, hurrah, the Old North State forever. Hurrah, hurrah, the good Old North State. Thank you."

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February 8, 1994 (See page 14)

## SPECIAL SESSION ON CRIME

Governor James B. Hunt, Jr.

This is a unique session of the General Assembly. In a real sense, it was called by the people of North Carolina.

It was called because of what is happening in the communities where you and I live.

In the last three months, three police officers in the Charlotte area have been shot down in cold blood. Three weeks ago, a Winston–Salem policeman was killed by a parolee who had served only ten months on a 10–year sentence. In the last ten days of January, eight people were murdered in the City of Raleigh—some only blocks from where you sit today.

Our people are afraid. And they have told us that very clearly. One legislator told me that he had heard more from constituents about crime than any issue in his long legislative career.

In three months of hearings and meetings, Speaker Blue, Senator Basnight and I listened to crime victims, police officers and sheriffs, district attorneys and child advocates. I have walked with cops on the beat, heard the gunfire in dangerous communities, and heard little girls cry as they told me about being violently attacked.

If you have not talked to people in your community who have felt the pain and agony of crime, you should do so before you vote in this session.

You should talk to someone like Tyrone. Tyrone is the eleven–year–old boy I talked about in my television address last month. Tyrone lives with his mother in a public housing community in Durham, and sees violence all around him. He saw his own father shot and killed. He told me that he is often afraid.

Let me tell you about one of the 8,000 calls and letters I've received in the last few months about crime.

Tyler Coleman is a ten–year–old girl who lives in Garner, in a safe neighborhood with a family dog and an alarm system at her house. Her father is in law enforcement. Yet she is also afraid.

Her mother wrote me that Tyler is afraid to go to sleep at night. She's afraid someone will come into her house and hurt her. She's afraid to go to the shopping mall. She's even afraid to ride her bike down the street.

Tyler and Tyrone are not alone. People fear what is happening in their communities and our State. They fear for their safety and their families' safety. They are looking to us for action.

You and I have heard their voices. It is now time to heed their call.

You know what my plan of action is. The thirty–six recommendations that I have made will be introduced as legislation today.

The cynics doubt our ability to take effective action.

They don't think we can do it. But I believe we can, and you in this Legislature have shown that we can.

You showed it last year. You began Smart Start. You began an ambitious effort to raise standards and put more accountability in our schools. You began a new economic development strategy built on high skills and high–wage jobs.

You took important steps to make our State safer. You authorized 5,000 new prison spaces. You passed a structured sentencing law that will give us truth in sentencing. You passed tough laws to keep guns and violence out of schools.

But the people do not believe we have done enough. And they are right. They know that government is failing to meet its most basic responsibility: to keep them safe.

They know that we have not done enough to make sure dangerous criminals do their time—even with the new prisons.

They know that we have not done enough to make the criminal justice system more efficient and effective—even with structured sentencing.

They know that we have not done enough for children and families in our State—even with Smart Start and higher standards and higher skills. We have not done enough to give our kids a chance for more than drugs and guns and crime and prison.

As elected representatives of the people, you and I have a responsibility to do everything we can to keep our people safe. We owe it to them to make their safety our top priority. [applause] We owe it to Tyrone and Tyler.

I believe we must set three goals for this session:

Our first goal: keep violent criminals behind bars longer and show them that crime does not pay. Nothing else will work unless we have real punishment.

This means no parole for first–degree murderers. [applause] They should get the death penalty or they should get life without parole—period. They should never get out. [applause]

It means three strikes and you're out for violent felons.

It means five more years in prison if you use a gun when committing a felony.

It means trying 14– and 15–year–olds who commit the most violent crimes as adults, and no longer keeping their criminal records secret. [applause]

And it means raising the prison cap so that more than 3,000 criminals—many of them violent—do not walk out of prison and return to your neighborhoods and mine in the next month.

Our second goal: change the criminal justice system so prosecutors have the tools they need and victims are put first.

This means trying drug dealers quickly and making drug users get treatment.

Our third goal: reach out in North Carolina and help youngsters who can be saved from a life of crime.

This means starting the SOS program to give middle–school kids something positive and constructive to do in the afternoons. A safe place to be. With adults who can teach them values and discipline.

It means Family Resource Centers in elementary schools.

It means getting thousands of North Carolinians involved in these and other programs to help save our students.

It means putting inmates to work and learning skills, [applause] so they'll have an opportunity to earn an honest living when they get out. No excuses for returning to crime.

I believe the plan I've put before you will meet these three goals.

I believe we can afford to fund this plan. We can't afford not to. [applause]

I believe we can pay for it without raising taxes. And we can do it without hurting Smart Start, education standards, job training and economic development.

This plan carries a price tag of $27 million in one–time capital costs next year and $91 million in recurring expenditures. This will take some new money. But I am committed to fiscal responsibility. That's why I will recommend during the short session at least $45 million in specific, permanent cuts to finance the operating costs of this plan.

Let me talk to you now as leaders of North Carolina about our duty in this special session.

We start with a sense of urgency. The people feel it, and I feel it. I know that you feel it. I urge you to act with that sense of urgency.

Never before has our Legislature had an opportunity to focus on a single issue of such importance to so many people. Never before have the people of North Carolina been watching so closely.

I told you about the letter I got from Tyler Coleman's mother. It is an eloquent and moving letter. I want you to hear part of it.

She wrote:

> No child in our State should be afraid to go to sleep in their own bed, or ride their bike in their own neighborhood. Please urge our legislature to pass this crime package—for our children. I do not want my daughter growing up in fear of her safety. Give us back that sense of safety.

> We live in the greatest nation on earth, blessed with the greatest resources,... [She wrote,] We must put some of those resources into this anti–crime package in order to secure our future. I love our State and I pray that our leaders will realize how serious crime is affecting its citizens.

We owe it to Alice Coleman and her daughter to take strong, tough and effective action.

And make no mistake about it. The people of this State will tolerate nothing less. They will not tolerate excuses. They will not tolerate wasting time and money. They will not tolerate distraction by other issues. They will not tolerate inaction.

They know that we cannot solve the problem from Raleigh. But they also know that the battle begins here—today.

Today we have a responsibility, a responsibility to answer the call of the people, a responsibility to Tyrone and Tyler.

Today we have an opportunity, an opportunity to work together—bringing together both parties, both houses of this Legislature and all branches of government.

Today we face a challenge. A challenge to get tougher with dangerous criminals, but also a challenge to save a generation of young people from a life of crime.

We must meet our responsibility. We must seize this opportunity. And we must rise to the challenge.

I am ready to work with you. I am as serious about this—and as determined—as I have ever been.

So are the people of North Carolina. They are waiting, and they are watching.

It is time for action.

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February 8, 1994 (See page 14)

**A Verbatim Transcript**
**of the**

**SENATE**
NORTH CAROLINA GENERAL ASSEMBLY
sitting as a
**COMMITTEE OF THE WHOLE**

**Senator Marc Basnight**
**President *Pro Tempore*, Presiding**

**PUBLIC HEARINGS ON CRIME**
**GENERAL AGENDA**

**February 8–9, 1994**

**Senate Chamber**
**Legislative Building**
**Raleigh, North Carolina**

TUESDAY, FEBRUARY 8, 1994

| | |
|---|---|
| 2:00 p.m. – 2:30 p.m. | William E. Milliken, National President Cities in Schools, Inc. |
| 2:30 p.m. – 4:30 p.m. | Local Elected Officials |
| 4:30 p.m. – 6:30 p.m. | Judges and District Attorneys |

WEDNESDAY, FEBRUARY 9, 1994

| | |
|---|---|
| 8:00 a.m. – 9:30 a.m. | Educators |
| 9:30 a.m. – 11:00 a.m. | Juvenile Intervention/Justice |
| 11:00 a.m. – 12:00 p.m. | Victim's Issues |
| 1:00 p.m. – 1:30 p.m. | Senate Business |
| 1:30 p.m. – 3:00 p.m. | Community Intervention Programs |
| 3:00 p.m. – 4:00 p.m. | Rehabilitation and Treatment |
| 4:00 p.m. – 4:15 p.m. | Break |
| 4:15 p.m. – 6:00 p.m. | Sheriffs and Chiefs of Police |

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**TUESDAY, FEBRUARY 8, 1994**
2:00 P.M.

**REMARKS BY SENATOR MARC BASNIGHT**
**President *Pro Tempore* of the Senate**

Starting the public hearing today, I believe that we all realize that it's incumbent upon us as members to make very tough decisions, and some decisions that will find us in conflict with our individual thoughts at times, but that's a process which we are a part of. Reasoned discussion is important for all of us and we shall have that. But today as we listened to other people from across this State, we will hear from their thoughts and their concerns about what's happening to our great State, and what changes they recommend. The format that we will use will be one in which will allow, for example, the mayors of North Carolina, who will be before us in a few minutes, an opportunity to speak for three to five minutes; and after that time, if you control yourselves, if we do, we will question the speaker when he finishes. Now if we start consuming all our time with just one speaker, realizing that we do have time frames that we have to work within, we'll move along rather quickly, and I'll do that to see that everyone gets his fair time to tell us about his city, his region, or his problem, or hers.

The first speaker that we'll have today is special in that he has a history of concern, Bill Milliken, the founder and National President of Cities, Communities, and Schools. He was born in Pittsburgh. Bill moved to Harlem where for twenty years he was working with kids on the streets of Harlem. Bill has spent thirty–five years working with at–risk youths to keep the kids in school. He founded Cities in Schools in Atlanta in 1974, one program. Since then, CIS has expanded to one hundred forty (140) communities across this country and is now established in the United Kingdom and South Africa. Over a hundred thousand students (100,000) are currently enrolled in the CIS program. And countless more have been helped over the years. Over six hundred (600) schools have a CIS program, and North Carolina is a key CIS site.

Because of his work with at–risk youths, Bill has served as an adviser to President Carter, President Bush, and now President Clinton. He was an adviser for the Governor's Conference on Education, where he advised on school dropouts, drugs, and violence. He represented the United States at the United Nations Conference on Children just recently. He is author of the book, *Tough Love*. We are pleased, very much so, Bill, to have you

with us today and for us to have the opportunity to share his thoughts on how to reach our troubled youths before they end up in prison or on the street. Bill, thank you very, very much, and you now have the pleasure to address the North Carolina Senate."

**REMARKS BY WILLIAM E. MILLIKEN**
**National President Cities in School, Inc.**

Thank you, Mr. Chairman, ladies and gentlemen of the Senate. I love coming here, so it's not hard for me to come to North Carolina. I live up in Virginia, and I'm thankful for the opportunity to be here today. In my few minutes here, I want to cover some things fairly quick. What I want to give you a little background on, where I come from, because it's easier to understand why I've come to some of the conclusions I've come to if you know a little bit about why I think the way I think; and then what I've learned from some of the experiences that I've had; and then how practically we've tried to implement them around the country.

I'm here today for one reason. Somebody cared about me. I came across a quote not long ago that said that every child needs an adult who is irrationally committed to he or she making it. That every child needs someone who is irrationally committed to his or her making it. I'm here today because somebody had an irrational commitment to believe that my friends and I could make it. I'm not here as an educator or as a social worker or as a minister, any of these things. I actually am here because I was removed from school. My mother was brought into school; it was a very painful day when they asked to remove me from school because they said the reason he's in so much trouble is he can't handle the work. And so I thought I was dumb and I ended up getting in a lot more trouble because they kicked me out. And if it wasn't for a volunteer for a group called Young Life, a football player who came over and hung out in a little pool hall that became my headquarters, I wouldn't be standing here today.

In fact, my friends and I get together Christmas Eve day every year—five of us who had our lives turned around—and celebrate life because we're the only ones that aren't dead or in jail from our original group of young people. So I learned very early in life that what turns people around is not programs, but relationships. And two of us made a life commitment to give the rest of our lives back to the streets. And so I come from you, not so much from what I've learned from books, but from breaking bread with people. It's what I've seen through failure, I've seen through some very trying times. I've also seen the victories of what happens to kids when somebody's willing to spend the time with them and pay the price of relationship.

I got to move into Harlem and spend those years on the streets because my partner and I said, "We're going to give the rest of our lives back." Over the years we began to deal with bigger and bigger issues. I didn't go to the streets to create a program. I wouldn't have known how to do that, but to love my neighbor, as somebody loved me. We got into housing kids, not because I knew anything about housing, but how can you tell a kid you care about him and do all these nice works and let 'em live on a rooftop. So we got a church to give us some apartments to take kids in. And a lot of these kids were on drugs. I learned a lot about drugs because I saw kids die from drugs. But I also saw kids make it. My partner had been a heroin addict who had beat it cold turkey in prison, and he was a symbol of somebody who could make it.

And we backed into education, again not because we were educated. I didn't know anything about education. In fact, they wouldn't let let me in the schools. And I was very offended. I wouldn't of let me in either because I looked a little weird for them to let me in, plus I didn't have the background to go into the schools. So we started our own schools back then in these old abandoned store fronts from kids who had already dropped out of school. The average age was seventeen (17). The average reading level was below fourth grade. And within four and a half years we had a thousand of them

with high school diplomas. And when they asked us later before hearings and before people asking us what was the difference, I said the difference was that we got kids turned onto living, and once they got turned onto living, then they got turned onto learning. And what we learned from that experience was that what turns kids onto living was four basic things that every child needs. And I don't care what kind of programs we come up with, I don't care what we try to do, if they don't have these ingredients, they aren't going to work.

**Number 1,** as I said earlier, every kid needs an adult who is willing to walk with them and not just tell them what they're doing right and wrong without understanding the world they come from. I remember sitting in a meeting at the White House advising the President with some other folks on his meeting when it was President Bush who was there to meet with the Governors in Charlottesville, and we were forty–five minutes into the meeting and I interrupted and said, "Sir, I love everything they're talking about here about technology and about teachers and about restructuring and everything, but I haven't heard two words here today. And all those things are important, but I haven't heard the word "children" and I think that's what this is all about, and I haven't heard the "L" word, and I don't mean "liberal." And that's the word, "**love**." Because I don't care what kind of reform movements you have. I don't care what kind of programs you come up with, unless somebody's willing to walk through the valley of the shadow of adolescence with kids, they aren't going to make it. And every kid that doesn't make it becomes another potential problem that we have to deal with when we have to warehouse kids and put them away. Eighty percent (80%) of the kids that I've seen over the years can be turned around, and that's the sad part of what I have witnessed over the past thirty–four (34) years. The vast majority of these situations can be turned around. One is, kids need a personal relationship with a caring adult.

**Number 2,** they have to have a safe place. We all want a safe place. That's what I heard the Governor talking about up here today. And I don't mean safe just physically. That's very, very important. But people like me that couldn't make it in the schools, who didn't learn the same way everybody else learned, that didn't understand what they were talking about and felt dumb if we raised our hands and couldn't answer the questions. We need to break these schools down into smaller units and create a sense of community for our children. They need a safe place.

**Three.** Every kid needs a chance to give back. If we get our lives by giving them away, why don't we give our children more and more opportunities to give their lives back in involvement? Any kid that's part of our movement, any kid that's part of cities or communities and schools, once they get in there and they begin to change, we say "You need to give back" whether it's getting involved in a feeding program, or tutoring younger brothers and sisters, or working with homes for the elderly, whatever you do, dignity comes not on what somebody's given them. I remember I was giving— before a hearing in Washington and this one Senator said to me, said, "Well, what's the difference between the kids you've seen make it over these past twenty–some years at the time and those kids who didn't?" And I had three (3) minutes to answer that and if I wasted thirty (30) seconds because I was so angry that he hit me with such a broad question and I had a lot of pain because I saw a lot of kids who didn't make it. I said, "Sir, it's very simple and yet it's very complex. The kids I saw make it made it because we allowed them to make it. We learned that the greatest gift we can give a child is to let them give something to us. That identity comes not in what somebody's given you, but what you're able to give back. Then I feel that I'm part of the community." And what I said in that meeting at the White House that day, unless we give the children a part of the solution to this problem, we aren't going to solve it. We need to listen to our children, not listen to headlines in papers. Because underneath the anger are some very lonely kids. Those kids who were discovered in an apartment, nineteen (19) of them in Chicago, are kids that have been abandoned. When I listen to kids they're lonely, they're angry, they're frustrated. They feel nobody cares, "Nobody knows that I exist."

I just heard Mother Teresa speak at the Presidential Prayer Breakfast last week and she said the most painful thing that she has seen in her eighty–four (84) years is not the beggars dying on the streets, which is painful, but looking in the eyes of children that nobody wants. A kid needs to know that somebody wants him and they they'll create a safe place for him and that they're wanted and that they have a gift that they can give back. That identity and dignity comes when I know I can participate and be part of something.

The **fourth** thing is that every kid needs to know that they have a tool and that in the future there's hope. That I will have a job, that I can take care of my own family and raise it. If you want to know is what the Number 1 problem in the youth community of America, I say it's a lack of hope. And if you want to see drugs and alcohol abuse go down, if you want to see kids quit shooting each other, if you want to see kids quit getting pregnant and staying in school, give them hope. It's the greatest anecdote. If I don't believe I can make it, and I have had kid after kid, whether it's the streets of Watts or in a rural community say, "What's the difference? Why not get AIDS? Why not get shot? I'm not going to live past twenty–one (21), anyhow." Or the kids who were mentioned in *Newsweek*, who—the number one conversation at school in the elementary school is—who's going to get abducted next? Or the kids in Washington, D.C. in a junior high school that they were listening to them in a discussion group and they were talking about what they wanted at their funerals. These are kids without hope.

So there are some basics the kids want, and the basics are the big "Bs" The little "Bs" are reading, writing and arithmetic, and they need those so they have the tools, but the real basics is they need a personal relationship and they need to feel a sense of community. I came off the streets with the conclusion that these problems in education and drug and alcohol abuse and violence were symptoms of a much deeper issue. And that issue was that we lost community in this country. I predicted in 1971 in a speech that by the '80s and '90s we were going to have such chaos because we're going to have so many kids drop out because we think it's an education problem. The real issue is we never caught up with what happened to us through the industrial revolution when we blew apart a sense of community in this country. And that was just one of the downsides. There were plenty of upsides. But we blew apart the extended family which was in relationship with the religious community as the mediating structure for young people.

So I could talk to my grandfather and he would say, "If I got in trouble at school, they knew it before I got back home and we didn't even own a telephone." Because the community was looking out for him. And when I heard the African proverb that "it takes a village to raise a child," I said two things about it. I said, "Where's the village in America? Who is raising the children?" I also added to that proverb that children learn by what they see and experience within that village. And if in the outer village that they hang out in there's violence and there's decay and they go in and turn on their tube and all they see is violence and decay, we will produce violent children. And if we don't have an alternative for them, if we don't have a sense of community for them, our children will come out in such numbers that you can't build enough places to put them. We're only seeing the tip of the iceberg and we reap what we sow and now is the time to go into our problems. Yes, we have to deal with the violence sector, but we also have to deal and prevent the feeding system of the future.

Now, there are three things that I think happens to create community. How do you put Humpty Dumpty back together again? I say there are three basic principles that we've learned and we tried to apply them. It doesn't matter whether your call it cities and schools or communities and schools are cows in the barn. Three things have to happen if we're going to stop or stem the tide. We have to not just deal with children. We have to deal with the institutions that these children have grown up in. They've grown up in a world of institutions, and we are in schools not because of education. We're in schools because we're lovers of children. We know that it's relationship that turned them around and we know that if we can turn off the valve and faucet of kids being poured out onto the streets

with no hope, then we have a better chance of the community beginning to correct itself because we aren't sending out people who aren't educated and don't have a chance. So that's why I'm talking about schools. I believe that schools fell into the vacuum that was created when we blew apart the extended family.

Again, in 1971, I was saying that the schools are going to have deep troubles not because of education, it's because now they're being asked to replace mother, father, sister, brother, social worker, aunt, uncle, grandparents, social worker, etc. And I got a little vindication a few years ago when President Bush asked me to come over and have lunch with the "Teacher of the Year" because he knew I'd want to meet him because he had written his dissertation on the sixty–one (61) things that teachers have to do today that they didn't have to do before the year 1960. You can't ask them to take on all these things. So I said we need to do three things.

We need to break these huge institutions down into small, caring communities. Then after a certain period of time, you lose the sense of community. And we need to take the large institutions and break them down and replicate smallness on a large scale. If relationships are what's key, if that's what's changed us, if that's what's important to us, then how do we create that for children? It is do–able. We have hundreds of cases that we can testify that are happening whether it's in rural America or in large cities.

Two, no system will survive, whether it's a family system, the neighborhood, or the nation, if along with caring you don't also build into your system accountability. I made people very up–tight with me in the '60s as I went in my guru jacket and long hair and all that stuff. I was screaming at these institutions to care about our children. And then one day I woke up and said, "There's something wrong here. I'm not dealing with teachers, I'm dealing with school systems. I'm not dealing with doctors, I'm dealing with hospitals. I'm dealing with social welfare systems." I said, "Institutions can't be responsible. If institutions are responsible, everybody's responsible but nobody's responsible. Democracy was built on the basis that we're responsible to and for each other and that our neighbor is not just the person that lives next door to us. It's the entire community." So I said we have to break our institutions into small caring units that build in accountability where we're responsible to and for each other.

Three, and it took years because of my background to have the courage to say this in front of a group because I said, surely they see this. I was explaining at lunch today that I was meeting with the head of IBM some years back and it came out, he gave me a check and he said, "Is there anything else I could do for you?" And I said, "Yeah, would you talk to the President of the United States? Would you talk to the Governors? Would you talk to all these different business roundtables and everybody that you meet with and tell them that we're spending our money in the most insane way that could ever be created?" I'm coming off the streets saying that it's insane.

I've seen what kind of way that we fund things out in the community creates the kind of paternalism that keeps people in slavery and that paternalism is the greatest disease that I've ever seen, when somebody doesn't have the dignity and pride that they can make it. The way we deliver all these programs and all this money and we create all these things all over the community, it would be like IBM saying the best way to type a letter would be to have twenty–six (26) different typewriters, each in a different room with a different letter on it. Go over here to get your "As," over here to get your "Bs," over here to get your "Cs," it would take all day to do one letter. So we bring programs down from Washington through states, through foundations, corporations, and we build these little fiefdoms out in the community. And say you have a drug program over here, a boy's and girl's club program over here, an urban league program over here, an AIDS program over here, a JOBS program and a kid needs a Ph.D. and assistance to get help. You don't have an orchestra with trombones in one part of town and piccolos in another, trombones in the other. I was meeting with the head of the NFL the other day and I said, "How'd you like to have a football team where you had the quarterback on the field and you had the guards in another stadium and the tackles in another?"

Very simple idea, and I'll close on this. We say how do we create small caring, accountable, coordinated units? We find out that the average school in America is open from 8:30 to 3:00. The average agency working with children is open from 9:00 to 5:00. That leaves from 3:00 to 5:00 to build relationships with children that we put on buses and subways. So when do these kids get relationship? If they have a negative relationship or no support structure at home and they go on the streets and find a different kind of family out there and they're angry there, then they bring it in and call the teacher a name and that's supposed to be education and relationship. The average teacher in America has one minute and seven seconds per day per child of any kind of intimacy and relationship. So a teacher has to concentrate on a very few number of kids and they're naturally going to concentrate on the kids that are responding. So the same kids that aren't getting a relationship at home or on the streets aren't getting a relationship when they go into any of these institutions. They're being bumped from institution to institution because the price of love is very heavy if we're going to go out there and listen to the customer and begin to bring change there.

We had a simple idea, and when I say a minute and seven seconds, that is by taking the number of teachers, dividing the number of hours into the number of students. Why don't we take this army of people that we're already paying for. We have resources in place—they're in the wrong place. The same people are bouncing from agency to agency. Why don't you put your boy's and girl's club worker and your urban league worker and your health worker and anybody else—bring them into the school so that if we're trying to turn around your Pro Tem person here, and I'm a teacher and he's a social service person, he's a police officer, if the three of them were all working together in the same time, space, and relationship, they create a sense of surrogate family around them? And he can't rip 'em off by picking off one in the morning, one in the afternoon, and one later on, because there's accountability built into that system. And there's a sense of people working together. If we adults don't work together, how in the world can we expect our children to work together? We have to be community if we expect them to be community.

I'll end with this. I was at lunch in Atlanta before the Super Bowl. And I was the guest of one of our Board members and I sat there and this man asked me what I did and I told him. He says, "Well, we can't coddle these kids, you know, duh–duh–duh." And I said, "You're right. We're very tough on kids. Love is both compassionate and tough, because kids want discipline and structure." And he said, "Yeah, what do you want to do, change all these things?" I said, "Listen to me, I heard you talking earlier to the person across the table that Sam Walton was one of your heroes. And you said Sam Walton was so successful because he went out and listened to the customer and built his stores around the needs of the customer and he passed everybody else up that was out of touch with the people. Why can't we go and build our institutions and our schools around the need of these customers that are leaving, that aren't interested. We have to do things differently. Let's build community around them."

We have a generation out there that we're going to lose—another generation and we're heaping and we'll reap, maybe not in our lifetime, but our children and grandchildren don't have much of a future in this country if we don't provide these kids hopes and begin, instead of trying harder, start thinking differently. Thank you for your time. (applause)

**SENATOR BASNIGHT:** I don't know, Bill, that I've ever heard the Senate this quiet. Thank you a great deal. This is a very powerful message and a very moving one and one that could not be more timely for all of us in this Body and for the people of this State. I just wish everyone could have heard it. We've got a rare opportunity. He will take some questions and respond. Those of you who would like to ask Bill anything that may be on your mind at this time, please do so.

**SENATOR CONDER**: I would like to ask you what we can do as legislators to draft legislation to mandate and enforce parental responsibility and accountability over these children between twelve (12) and eighteen (18) that are causing such a tremendous problem to our criminal justice system today.

**MR. MILLIKEN**: Again, this is just my feeling. I don't know much about legislation, but I know you can't legislate relationships. Out of the 100,000 young people that are in our programs around the country, 20 percent of them don't have parents. We have a program in a school in Philadelphia where only two (2) kids have parents; 73 percent have a single parent, in most cases having to work and can't be there to supervise the child because they're having to stay alive and feed their children. Only 7 percent have what you would define as a family.

And I remember the Attorney General a couple of Presidents ago asking me, "What are you doing about families?" And I said, "How do you define family?" He said, "A mother, father, and a couple of kids." I said, "Well, you can pass some things that are strong on those kinds of situations to hold them responsible for their children, but what do we do with the masses of kids that don't have that definition any more?" And those are the one that I don't have the answer to everything. You know, there's no silver bullet in this and all I can tell you after thirty–five (35) years is I can tell you the difference between the kids that make it and don't. And if they don't, what I said to the Attorney General, I said, "There's only two ways to solve this—in most cases it's an absent father and I said you could create a father factory, which I don't know how to do; or you can create extended surrogate families. And if it wasn't for a volunteer, I wouldn't be standing here talking to you today. A mentor who came in and walked through me and put up with my stuff and was the first adult that ever believed in me and I was seventeen (17) years old at the time. And every kid, if it isn't a parent, then we need to become part of that surrogate extended family for them.

**SENATOR ODOM**: Mr. Milliken, appreciate your remarks very much. On the last point that you made, and that deals with coordinated services, I wanted you first to elaborate a little more and be a little more specific about what you meant with that. And then secondly, how can you have coordinated services provided by government that will then have to interface with what I heard your criticism of governmental paternalism?

**MR. MILLIKEN**: Great question. It won't work unless the private sector's in partnership with the public sector. I've seen the public sector try to do this without the balance of the private sector and it doesn't work because there's no check and balances. What we've said is because we have categorical giving, which I think is ridiculous, that's just my—people are not categories. They're whole people, and all kinds of things happen when you make categories, and then you end up creating all these little fiefdoms out there. So we need to begin to put in some reward systems, and I've seen some foundations do this and even pieces of government do it—to have a reward system to have people working together rather than competing with one another, to reward community.

Now where we use the private sector is two–fold. One is, we say you put up a little bit of money and we need to free somebody up within that community who is a lover of children, whether they come out of the religious community or out of the school. You have eight to ten years, maybe, of experience, bloodied their noses, they know how tough it is to change systems. We don't like to change. And that person is freed up to be a servant–needer. In privately paid for, it doesn't work the mayor or the superintendent or the county. The whole job is to bring resources together, to convince people to reposition their staff, to build a sense of community, so the private sector can provide that. Two, they become important to the jobs, and three, there's a whole mentoring force that can build the bridge between the world these kids are living in and the world that we hope that they'll go into. So the way it becomes nonpaternalistic, we create the system not to be paternalistic, but to be the support system.

Give you one one quick example, and they I'll quit. We're in Los Angeles, Inglewood, Compton, and Long Beach and when the riots hit last year, we had a lot of pain in our lives. We had just started an L.A. unit, not quite six (6)months before, the second person killed was one of our kids that just signed up for the program the day before and got shot on his way home. It was a business man who—I happened to be with people from Washington giving a little talk—and he came up and gave me his card. It happened to be a man that I had been trying to get to for two years to help us in that area. He said, "Drop by and see me sometime." I said, "I'll be here. When do you want me to come?" And he says, Well, next time you're in L.A." And I said, "I'm here. I'll be here tomorrow,and the next day." So I went in to see him and he said, "I got one half hour, and I want you to explain what you do. And I said, "That's fine. That's plenty of time."

When I went in his office, it was the biggest office that I'd ever been in. And I sat there, we were supposed to meet at ten o'clock. At twenty–five after ten, he walked into the room; and people from that business, it happened to be the entertainment world, have the attention span of a strobe light, so I was ready to kinda whap him anyhow. But he said, "Tell me about what you do. Tell me all this, we only have five minutes." I said, "Aw, let's forget it—cities in schools, communities in schools, this is not really what's important. But I'd like to ask you about the painting that's on your wall." I said, "There's a lot of paintings, but this one looks fairly new." And it was, it was an oil painting of him and his wife and his two sons, 15– and 17–years–old.

He began telling me about his family and how he grew up with nothing and made it, and what he's trying to provide the right values in the kid and provide the resources. I said, "What do you hope for them?" He said, "Well, I'm hoping to give them the tools so they don't need us any more and go out and help support us when we get older." And I said, "You've just described what we do. We're trying to do this for all the children, what you're doing for your children, and not everybody happened to be born and have that opportunity." So, thank you.

**SENATOR BASNIGHT:** Thank you, Bill. Thank you very, very much. (applause)

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**PANEL**
**of**
**LOCAL ELECTED OFFICIALS**

1. **The Honorable Nancy Jenkins is the Mayor of Greenville and is President of the League of Municipalities.**
2. **The Honorable Richard Vinroot is the Mayor of Charlotte.**
3. **The Honorable Fred Niehoff is the Mayor of Hendersonville.**
4. **The Honorable Zee Lamb is a Pasquotank County Commissioner.**
5. **The Honorable Rebecca Smothers is the Mayor of High Point.**
6. **The Honorable Floyd Brothers is the Mayor of Washington.**
7. **Ms. Patrice Roesler represents the North Carolina Association of County Commissioners.**
8. **The Honorable Mike Edney is a Henderson County Commissioner.**
9. **The Honorable Tom Fetzer is the Mayor of Raleigh.**
10. **The Honorable Don H. Betz is the Mayor of Wilmington.**
11. **The Honorable J.L. Dawkins is the Mayor of Fayetteville.**

**SENATOR BASNIGHT:** When the Speaker, and myself, and the Governor had the opportunity to listen to people from North Carolina across our State, we had this distinguished group. And we thank you for coming.

These are our mayors, and county commissioners. Floyd, it's certainly good to be with you, from our community. And they're going to share with us their thoughts about what's wrong in their cities and in their counties.

And, Mayor, if we could start with you, we'll do that. Mayor Dawkins from Fayetteville will open our conversation and discussion. The format is rather simple, three to five minutes, if you gentlemen and ladies don't mind, and then we'll take questions from our members. This gives you an opportunity to tell government what you think is wrong.

**REMARKS BY THE HONORABLE J. L. DAWKINS**
**Mayor of Fayetteville**

Thank you so much. I am J. L. Dawkins, fortunate enough to be the Mayor of Fayetteville, North Carolina. It's a privilege to be with you today. I first started coming to the Legislative Building which was in the Capitol when my Dad served in this fine General Assembly many years ago, and have been a public servant in my nineteenth year. So it's very special to be with fellow public servants.

I'll be very brief, so you'll know that I'm, along with my colleagues, very involved, maybe more so than intended to be. On January 22, 1993, I was at a doctor's office in Fayetteville, a few blocks from where I live, a young man put a gun at my head and told me twice that he was going to kill me. He wanted my money. Fortunately, our 35th wedding anniversary was coming up for Mary Anne and I and I had gotten some money out of the bank a few hours before and was able to give him the money and he be on his way. I came probably within one or two seconds of dying.

Now, this wasn't in the real low, low income areas of Fayetteville. Some of you know that Fayetteville, this was in the Haymount area, which is a mix of folks from all backgrounds, and I've spent the last fifty–two years of my life there. I want to say to each and every one of you ladies and gentlemen that I think there's a lot of challenges that face the State of North Carolina, the City of Fayetteville, and certainly the communities represented by my colleagues. I, personally, do not think there's any issue more important, and I say that for a number of reasons, but I'll just state, too, I believe if we do <u>not</u>, if we <u>truly</u> do not, and I don't mean just those in government, we can certainly lead the way—and let me say this to you, if we don't lead the way, we will pay, and I don't mean politically, I mean in more important ways, for not taking the opportunities that we truly have, but we must make sure that every citizen in North Carolina, whatever their walk in life, is involved in this. We <u>must</u> make sure, and this morning I had breakfast with one of the finest high school coaches in America, who I'm sad to say after fourteen years is leaving Fayetteville and going up to Asheville. And Bobby Poss(?) has won three State Championships and all, but this year is teaching in an elementary school, and he said to me, "Mayor, I'm just as concerned in the elementary level and I am in the high school level."

So I'm saying to you, ladies and gentlemen, that certainly we've got to do something in the preventive, the other side of the coin, and I won't give you any statistics because you can usually read all of these. But the other side of the coin is that there are bad people, and bad people need to be away from society. And that has nothing to do with rich or poor, black or white, Greek or Jew. But I'm just saying to each one of you, if we do not together, collectively, and I know some of us come from different political parties or different—and I'm a Southern Baptist, if you don't think that's a challenge. But I'm saying, please, please, and I know you will, but please make this a top priority. Certainly get all the input and then, with your God given right, do what you feel like is best for our State. Thank you, and God bless you.

**REMARKS BY DON H. BETZ**
**Mayor of Wilmington**

Thank you, Mr. Chairman. Thank you, very much. I'm Don Betz, Mayor of the City of Wilmington, and I thank you for the opportunity to share some ideas and thoughts and comments with you today. Several of you, many of you, have worked in city government and county government. You have been with us there on the streets of our communities. And now that you sit here in the Senate, you have been providing valuable funds to us. For our community policing efforts in Wilmington we have four neighborhood base stations. After two years of really making an impression, children once again are walking up to police officers to shake their hand. This has been provided by a partnership. We need to continue the partnership. You have been funding the career criminal enforcement program. And, yes, we have a lot of career criminals. We're doing a very good job in our counties and in our cities of arresting people. We know who they are, and when they're on the move, we can find them, arresting a lot of the same people. We need to continue to join hand in hand, counties and cities and towns in our State government, providing the funds to address wellness.

The City of Wilmington has a wellness program, and through the cooperative efforts of business and law enforcement and public officials, we are working with the youth of our community so that they can feel secure again. We have crossroads of program that you helped fund that has computers in a safe building, not necessarily the building that they live in, but a place that they can go to after school where tutors are providing time to help them. The Governor visited such a program earlier this month when he toured Wilmington. He also visited our housing areas, our public housing areas, and saw first hand some of the conditions that those people live in. Some of the people in our prisons are fed better, and live better, than the people in our public housing. We have police officers in our public housing, and the other day it was announced that secret service agents and agencies under the Treasury Department are in Chicago and in New York. Something is wrong with this kind of program. We need to focus on wellness. **[EXHIBIT A]**

And our youth is in an area where so many of our crimes have been committed by youth. In the City of Wilmington, crime in 1992 is down 6 percent in major statistics, down another 7 percent in '93, but assault with a deadly weapon is up 20 percent. And that's a very serious area for concern. Again, I salute you for asking us to be with you today. I extend our hand to you, to work with you to address the very widespread question. We need to remove and to rid fear from our communities. Thank you.

**SENATOR BASNIGHT:** If we could do something, Mayor, what would be **that** issue you would recommend to help? What is the one thing that you would ask the General Assembly to do this year?

**MAYOR BETZ**: I would like to focus on the fact that we've got to stop turning back out on the streets for our law enforcement people to arrest again, even in the same day, individuals. We need to either focus on bail, we need to either focus on what their record has been, we need to retain them for awhile for the system. And that goes even further beyond that, but we are focusing our resources on the same small percentage of the population. Thank you, sir.

**SENATOR BASNIGHT** introducing Mayor Fetzer: (inaudible)

**REMARKS BY THE HONORABLE TOM FETZER**
**Mayor of Raleigh**

Thank you Senator Basnight. Let me take this opportunity to welcome all of you to our Capital City. We are very proud that Raleigh is the Capital City and if the City may service any of you while you're here, please contact us.

State Supreme Court Justice Louis Meyer recently stated that a typical violent criminal will serve only 21 months in a North Carolina prison, then that criminal is back on the street. Twenty–five percent will be arrested within six (6) months. Forty percent will be re–arrested within a year. Sixty–two percent will be re–arrested within three (3) years. And there's no telling how many crimes they commit before they're finally caught again. As Justice Meyer said, "It's abundantly clear the release of these hard–core and incorrigible criminals has created our high crime rate here in North Carolina." Thirty–eight (38) murders have been committed by criminals out on parole here in North Carolina in the last seven months, and there's been a rash of murders in Raleigh in just the last two weeks, as Senator Basnight has mentioned.

There are two immediate solutions to the crime problem. **First,** increase the chances a criminal will be caught when he or she commits a crime. And, **second,** increase the penalty criminals will pay when they are caught. Prison is the only proven deterrent to crime. In this Special Session, the General Assembly should repeal the prison cap which forces the early release of violent criminals. I agree absolutely with what Governor Hunt said when he was running for Governor last year. Let me quote what Governor Hunt said then, "I believe that putting more criminals in prison will deter crime. We are not punishing criminals severely enough in North Carolina. The first thing we should do is work with, or if necessary fight against, the U.S. Department of Justice and the federal courts to increase the number of inmates that can be held in our present prison space. Attorney General Barr reportedly has suggested that states be allowed to operate their prisons at the same level of capacity as the federal government, one hundred sixty–five percent (165%). If North Carolina were allowed to do that, we could repeal the prison cap and provide space for an estimated 13,000 additional inmates, saving the taxpayers an estimated half–billion dollars in construction costs."

In 1992, practically everybody running for public office was in favor of triple bunking—three prisoners in a cleat stop the early release of vicious criminals who go back on the street and prey on society. Governor Hunt said there is nothing wrong with triple bunking in certain instances. In my mind, it's time for the actions of the General Assembly to match the rhetoric of the 1992 campaign. Now some people say that the Federal Courts will take over the North Carolina prison system if the General Assembly repeals the prison cap. At this time, with President Clinton making speeches about fighting crime, I do not believe the Clinton administration would attempt a federal takeover. But whether we repeal the prison cap by working with, or by fighting against, Washington, we should repeal it. Practically every expert traces the crime explosion back to passage of the prison cap and the resulting increase in early release. It is our responsibility as leaders in our community to speak out for what is right, and to speak out against that which is wrong. It is wrong to continue being more concerned about the welfare and comfort of prisoners than the safety of innocent citizens on our streets. It is wrong to continue to allow violent criminals out early so they can wreak havoc, murder, and mayhem on our citizens. Thank you.

**SENATOR BASNIGHT**: Let me, before you do that, let me call on the panelists that in your statements (inaudible) of any kind. We're together here (inaudible) we are not doing anything political, so let's remember as we speak on the issues that we'll concentrate on the recommendations from our cities, and from our thoughts.

## REMARKS BY THE HONORABLE MIKE EDNEY
### Henderson County Commissioner

I'm Mike Edney. I'm a County Commissioner from Henderson County. And let me begin by thanking you folks for having us here today and showing the interest to listen to others in government, and hopefully we can all work together and come up with some answers. To tell you a little bit about myself, I've been a County Commissioner since

1988, but when I'm not doing that public service, I'm in the courtroom defending some of these criminals, so to speak. I'm certified by the North Carolina State Bar as a specialist in criminal law, so I want to bring some of that perspective to you today to give you some ideas how some of those thoughts intertwine with my role as a County Commissioner.

Basically, as I see crime, deterring crime, I think one of the most important things to do is to have swift, speedy action. One of the biggest problems with our system, in my opinion, is that the first great bottleneck is at the Courthouse door, and I think that is—we have problems in all the other areas—but I think that is one of the major things that would not take as much money and something this General Assembly can do while you're here in Raleigh this week that can have a major lasting effect on the deterrence of crime across the State. Last year, year before, the Speedy Trial Act was revoked, thrown out. I think we need to bring it back and I think we need to have teeth in it. The Speedy Trial Act, some would say, is for defendants, but it's as much for the victims as it is for the defendants because a victim deserves a speedy resolution to the issue much more so than the defendant.

Another major problem I think we have is how we calendar the cases. We elect our District Attorney and then allow the District Attorney to call the cases that he wants to call when he wants to call them. Unfortunately, sometimes politics can get into that, and you can have people charged with a crime, presumed to be innocent, siting in jail for a year or a year and a half before they ever come to court. But, more importantly, you have got a victim sitting at home a year or a year and a half not knowing what's going to happen. So if there's one thing that you folks can do that would have a huge impact very quickly would be to turn the calendaring of criminal cases over to a professional trial court administrator and re–enact the Speedy Trial Act with some teeth in it this time.

And one more thing, very quickly, we have a lot of major crime in this State, murders, those type things. We also have other crimes. Lawyers, basically, when they're appointed to or retained to represent someone involved in a major crime, it takes a lot of time to prepare for that case, and these lawyers are doing other things. What I would suggest you consider is a regional public defender type system for the appointment of attorneys in major crimes. I think if we do that it will free up the system to run more smoothly for the vast majority of cases and make those cases go through quicker and more smoothly, and at the same time, assure that the major crimes won't be tried two or three times and also that they will get to Court sooner than they are under our present system. Two things real quickly. **One thing** you might want to consider is allowing District Courts to have jury trials in misdemeanor cases, and **another thing** I would ask that you really go after and support the Criminal Justice Partnership Act. I think that's very important and I think it can work well. Thank you all.

**SENATOR BASNIGHT:** Thank you very much, Mike. Patricia, you are — not Patricia, you are representing—
**MS. ROESLER:** Patrice.
**SENATOR BASNIGHT:** Patrice?
**MS. ROESLER:** Yes, sir, thank you.
**SENATOR BASNIGHT:** You are representing, the—

## REMARKS BY MS. PATRICE ROESLER
### Representing the North Carolina Association of County Commissioners

—the Association of County Commissioners, yes sir, thank you Senator Basnight. I am proud to be here this afternoon on behalf of the organization that I work for. We thank you, wholeheartedly, for the support that you gave last year to the search and sentencing package. We think that that will go a long way toward helping the system get back in line and to restore the truth in sentencing that we think the public is crying for. County

Commissioners think that the next great frontier for change will be the juvenile justice system. I think what we're seeing in the adult system is the result of the breakdown in the juvenile system to the extent that you can focus on straightening out the juvenile system as you proceed with this Session. The Community–based Alternatives Program, I know that there is a proposal in the Governor's package to have that evaluated. We would support that evaluation. County Commissioners have, for a long time, supported the Community–based Alternatives Program and take a strong role in what that does in the communities. We have thought for a long time it needs more funding and perhaps it's time to reorient the priorities of what you do with that Program. But we do support it, and we support a strong role for Commissioners, and what gets done with that Program.

Another thing that we would ask you to consider is the state agency resources that are needed for after care. Probation case loads need to be brought down, and I understand and know that under structured sentencing, that will happen. We need the resources put out there to bring those case loads down to a manageable level so that the people who are out there in the community dealing with these offenders can do that in an effective way. They need treatment in the community and that brings me to the point of community corrections. We think the judicial system needs a wider array of sentencing options in the community, for not just the community level sanctions, but the intermediate level sanctions where you also have intensive probation and those kinds of electronic house programs—those need to be brought state–wide so that every county has the option to utilize those kinds of community–based sanctions and to leave the active beds for the most violent offenders.

I guess, in summary, I would just say that one things county commissioners have learned is that no matter where these offenders come into the system from, they are going to come back for accounting. They need to have a system of support there and community programs to make sure that they do not recidivate. The only way that you can do that is to let the county, or one way that we think you can, is to allow the counties to become a laboratory for community–based programs which can deal not only with the juvenile system, but the adult system, as well. And we support your efforts in those areas. Thank you.

**SENATOR BASNIGHT:** Thank you very much (inaudible) really appreciate. Let me tell you a little bit about Floyd Brothers, one of North Carolina's finest mayor, not that all of you are great mayors (inaudible) it's really good to have you.

## REMARKS BY THE HONORABLE FLOYD BROTHERS
### Mayor of Washington

Thank you. President *Pro Tem* Marc Basnight, Senators, and guests. We came here today not demanding anything. We came here humbly asking for your help because we have some real problems. I went around yesterday just to get some other comments, other than those that I had. And I got those comments from a lot of people—a newspaper, a policeman, a lawyer, a regular folk on the street. Let me give you some idea of what their concerns are.

Wildlife, and they're talking about boating; the level for alcohol consumption should be the same as DWI. They want us to use jails locally, rather than sending them out of State. They want work programs for those who are incarcerated. They want truth in sentencing; tougher sentencing for those repeaters. And on the matter of rehabilitation, several people told me that they thought drug is a medical problem and it needs to be treated in that sense. For those who run around shooting and killing, that's a whole different ball game. And I listened, I did not tell them what to do or what to say. I just listened to what they said.

Programs that are successful. We have one here that we've had quite awhile, and it's the Governor's One–on–One Volunteer Program. In Washington we call it the "Pamlico

Pals." And there are quite a few of those throughout the State—I think there are forty–two (42) programs throughout the State, in which we match troubled kids with a role model, an adult who will work with that kid at least four hours a week, whether it's homework, some other activity—taking the kid someplace—or doing something with that kid. And those programs work. **[EXHIBIT B]**

We ask for your help, all that you can give us. I'm not going to go into other things because I've heard most of it this way and I'm going to hear the rest of it this way. So I'm not going to take those things because they'll accuse me of taking their thunder. But I would like to leave you with two things. One is, somehow we need to make parents a little more responsible for those kids. We need to do something for these kids before they get to that age, which involves—we need to help some parents some kind of way. There should be something somewhere, if it's through the churches, through the schools, through the communities, we need to do something to help these parents to raise these kids. Or otherwise, we're going to pay for them one way or another. So we need to either help them now or pay for them later. Just think about it.

And the other thing—a little comical thing I thought of this morning, I want to leave you with that. I'm not going to tell you any jokes. I was thinking, we put plugs in shotguns to keep people from killing too many animals—at least give the animal a chance. Then we buy guns at home and we've got 'em floating around on the street, and we've got, what, six is the standard, I think—used to be. Now we've got nine, twelve, eighteen, whatever—it goes on up. Fifty—you can shoot as long as you want to and much as you want to. And I was just thinking—why can't we suggest to the federal government that they make all one–shot guns except those for policemen, and at least give people a chance to live, too. Thank you.

**SENATOR BASNIGHT:** (inaudible)

## REMARKS BY THE HONORABLE REBECCA SMOTHERS
### Mayor of High Point

Thank you for the opportunity to make comments at this public meeting, and I cannot resist the opportunity to compliment the humor of whomever was responsible for seating to put Mayor Smothers and Mayor Brothers next to each other. I'm Rebecca Smothers from High Point.

I want to commend the North Carolina Senate in addressing the crisis that's building in our communities across the State. And I have felt, since receiving the invitation, that I must use this time before you to stress the urgency or dealing with juvenile crime, which has exploded in the last five years. Our police officers struggle to deal with juvenile crime under a system designed to handle hubcap thefts and joyriders. Juveniles account for an astonishing amount of the violent crime and drug offenses in our community. The current juvenile code is hopelessly outdated. As an example, North Carolina General Statute Sec. 7A–675(g) prevents the disclosure of the identity of a juvenile under investigation. There is no exception, even when the juvenile poses a threat to public safety and is evading police officers. Our police are often hampered in apprehending juveniles because **they** cannot effectively enlist the public support without revealing the juvenile's identity.

And I want to give you a real life situation. November 8, 1993, 3:30, p.m. In the bus parking lot of a local high school in High Point, a fight occurs between a 16–year–old student and a 15–year–old who had not attended school in a year and a half. The 15–year–old pulls out a gun and fires six or seven times. Two students are hit, one in the thigh, the other was grazed on the wrist. A police officer was **parked** in the parking lot of the school when the incident occurred. He heard the shot and drove to the disturbance. Students identified the suspect, who had ridden off on his bicycle. The suspect could not be found. A secure custody order was obtained, police searched for the suspect for two days.

Day three—after the shooting, the suspect is entered as "Wanted" on the National Crime Information Center; suspect's father denies knowledge of his son's location. Day four—High Point detectives travel to Reidsville and Eden to interview relatives, to no avail. Day five—the suspect's father is found dead of gunshot wounds; the son is a suspect; relatives continue to deny knowing where he is. Day seven—High Point police request Reidsville police to check with relatives again, and they find the suspect hiding. Suspect admits shooting at Central High School, but denies any knowledge of the death of his father. The final quote on one of the police reports: "Due to the existing North Carolina laws, we are unable to obtain a photograph of the suspect. We were unable to release his name or the photograph of the suspect to the news media to aid in the search of the known suspect."

Another example of the Juvenile Code unduly restricting police is the North Carolina General Statute Sec. 7A–596. "A law enforcement officer who fingerprints or photographs a juvenile without obtaining a nontestimonial order is guilty of a criminal misdemeanor." The police need a data bank of juvenile offenders. Most are repeat offenders. It is often impossible to obtain photographs of juveniles unless the police take one when the juvenile is apprehended.

Lastly, we called for an amendment to allow a judge to review an adult defendant's juvenile record before sentencing him. It is **impossible** for a judge to get an accurate picture of an offender without the juvenile's record. Let's go back to the example. Remember that 15–year–old who fired five or six shots in the parking lot. He has been charged as an adult, but when he appears in court, it will be inadmissible to present that this 15–year–old actually sold cocaine to an undercover officer in June of 1993, and has been charged with possession to sell and deliver, as well as sale and delivery of cocaine. At the time of the shooting, these charges were pending and have yet to be tried. Yesterday this 15–year–old was indicted on the high school shooting.

Local elected officials recognize that the primary duty of government is to protect its citizens. That sacred duty must guide your efforts in reforming our criminal justice system. The people are fed up with government seeming to be so preoccupied with the protection and rehabilitation of criminals. We implore you to weigh every proposal for reform against the likelihood that it will result in the protection of the law–abiding members of our community, and we ask for the opportunity to comment on legislation. We are rapidly approaching the day when our police officers will decide that risking their lives by aggressively policing is pointless. The system plea bargains or dismisses their cases, grants probation instead of real punishment, releases repeat and violent criminals from prison after serving less than one–tenth of their sentence. The danger to our citizens when officers decide that it is simply not worth the risk is frightening and obvious.

Our criminal justice system in its present form is neither respected nor feared by those who are inclined to commit crimes. This is especially true of those who are inclined to commit crime against violence. In your home towns across the State, we are hiring more police officers, assisting neighborhoods in their efforts to take back our streets, funding prevention programs, aggressively pursuing economic development so we will have better jobs. We're all investing in our home towns, but we need a partnership with you. We ask that you direct your attention to your statutes—change them. Only you are in control of that part of the crime issue. Thank you. **[EXHIBIT C]**

**REMARKS BY THE HONORABLE ZEE LAMB**
**Pasquotank County Commissioner**

Thank you, President *Pro Tem*. I'm Zee Lamb. I'm an attorney, County Commissioner since 1988, and I'm Chairman of the North Carolina Association of County Commissioners Criminal Justice Committee. I am a former legislative intern, and was a House Assistant Sergeant at Arms under the late great Larry Eagles. I thank you for allowing myself and the County Commissioners to be part of this panel.

The violent crime problem touches not only the Charlottes and the Raleighs, but also the small and medium–sized cities and rural counties. School and juvenile violence and drug related street crime has our citizens up in arms. This General Assembly is to be given more credit than it has received for the important crime legislation passed in 1993, including structured sentencing, which provides truth in sentencing and eliminates parole. Structured sentencing will, in my opinion, restore integrity in the public's eyes in our criminal justice system.

Also, the Community Corrections Act providing for alternatives to incarceration was important legislation passed by the General Assembly last year. Their school violence legislation was an area that this General Assembly touched on and, I believe, was very important and was responding to the needs of the public. And also, the toughening up the DWI laws—my grandmother died because of a habitual drunk driver on the roads in Virginia. All I say is be proud of what you accomplished in 1993 and protect it, fine tune it, if you must, but protect it and preserve it, particularly structured sentencing, which was studied for three years—it wasn't done overnight.

Concerning structured sentencing, if you feel that it needs to be moved up from its effective date of January 1, 1995, we would support, as County Commissioners, moving it up to October 1, or July 1, or sooner, if logistically possible. We also would have no objection to moving up the Community Corrections legislation effective date from July 1, 1995, to January 1, 1995.

Concerning school violence, I support Governor Hunt's middle school initiatives and proposals concerning family resource centers. I also support the State, if not this Special Session, but sometime in the future creating innovative alternative schools where counties or groups of counties can deal with sixth to twelfth graders expelled from school. We can't continue to simply throw these troubled youth on the streets. Alternative schools are expensive—they cost four or five times more than normal schools, but they are cheaper than the cost of housing inmates later on in life. We must develop new preventive measures if we are to help save the next generation of potential criminals.

Concerning prisons, I believe the public does support new prison construction to house violent and career criminals. My county and our people support these and other prison construction programs. But there is one caveat. I urge that for every dollar you appropriate for prisons, that you appropriate at least one dollar for prevention and treatment. Governor Hunt's middle school initiatives and family resource centers are good examples of preventive measures.

Counties want to continue partnership with the State in providing for the housing of short–term misdemeanors. And where possible, in those jails not overcrowded, we are willing to provide additional lease space, but the reimbursement rate must be, or should be, increased. Counties charge each other $50 a day to house each other's prisoners. The State pays counties $14.50 reimbursement for State prisoners in local facilities. I urge you, if we can pay Rhode Island $68 per day, we can pay our counties $40 or $50 a day. Thank you.

**SENATOR BASNIGHT:** Thank you, Zee. Fred.

## REMARKS BY THE HONORABLE FRED NIEHOFF
### Mayor of Hendersonville

Thank you, Senator Basnight, it's certainly a pleasure to be here. I am Fred Niehoff, the Mayor of Hendersonville. I've been Mayor for two months and I've seen so much I feel I've been Mayor for two years. Our police chief gave me a list of things he'd like to talk about that were on his mind, but he's going to be here tomorrow. So, I said, "You talk about it, they don't want to hear it twice." I've got a little different message I want to give you today, and I'm going to pick up on Zee's comment about $1.00 spent for correction and $1.00 spent for prevention.

My background is manufacturing, and I did teach for 14 years in a community college in Hendersonville, and when I heard Governor Hunt's crime program, I was reminded of an experience that happened to me when I was first in manufacturing management back in the mid '50s. I was hired in a quality control manager's position in a company that made components for the Mighty Mouse Rocket. And, frankly, things were a mess. We had 5 percent, 10 percent defective parts in the system. We couldn't get anything through the Navy inspection. So we had to have a program, we had to spend a lot of money cleaning up the mess. The first thing we did was to weed out the bad parts. Those that we could salvage, we did. We put them back in the line. Those that were beyond repair, we threw out. We didn't want to see them again—they were gone. But even more important, for the long–term fix, we put a lot of controls, we spent a lot of money instituting controls, training, attitude change, and so forth at the front end of the line to make sure bad parts were no longer made, and it worked. Within three months, the line was clean and it stayed clean. In three years, when the Navy awarded only one contract instead of eight, we were the successful contractor because we had solved the problem.

I think the analogy is clear. Very, very similar to what the Governor is proposing. We spent a lot of money we didn't have. It was not in our budget to put all these extra controls in, but we had to do it to stay alive. And I think that's the important thing, and getting back to his comment about a dollar for a dollar, I am so concerned that when we get down to wrestling with the costs of the programs, it's going to be fairly easy, politically easy, to build more cells, to get tougher on criminals. The public is demanding this. They really are. But it's a little tougher to put these programs in, to fund them and to develop the manpower and the programs to deal with juvenile crime to work in the front end of the system. It's not quite as glamorous; it's much more easy to see results when we're talking about getting rid of the bad guys, putting them out of society. But I think that if we're going to solve the problem down the line, we're going to have to make sure we don't change the front end of the system. We've gotta make sure that bad parts are not being made.

Now, I know it's a lot easier to talk about an inanimate hunk of steel and put controls in to make sure it comes out right than it is to work with the human mind. But our sociologists, our psychologists, they know what can be done. A lot of the programs that the Governor is talking about have worked—we've just got to expand them. So what I'm saying to you and requesting very earnestly is that we don't overlook the front end. And I think if we do a good enough job at that end, eventually we'll be able to rent out our jail cells, the extra ones that we have, to our neighboring states if they don't successfully solve the problems that I hope we do. Thank you.

**SENATOR BASNIGHT:** Thank you, Fred (inaudible) ...our Queen City. We're glad to have you.

## REMARKS BY THE HONORABLE RICHARD VINROOT
### Mayor of Charlotte

Thank you, Senator. I appreciate very much your inviting us here. I first want to say, I'm Richard Vinroot. I'm the Mayor of Charlotte, North Carolina, and I want to give you some statistics and some very specific recommendations from our City. Thank you for calling this Special Session, and thank you for inviting us to come forward and express our views.

I have some good news and some bad news. The good news, at least in the Queen City, is that we're the number one new–job–producing city in America, ahead of Atlanta. Number two, we're creating more than 60 percent of the new jobs in this State, and we're doing that well. We've been recognized as the number one city in America in terms of economic development in taking steps to try and improve and make investments to make

opportunities for our people, and we're one of the number one cities in this country in terms of foreign investment in things that are happening to our City in a good way that all of you are all too familiar with, like pro sports, and the things that that will do for all of North and South Carolina.

But the bad news is that the City with 453,000 people, or 8 percent of its population, has 22 percent of its serious crime. We have 22 percent of the violent crime in North Carolina. Last year we had over one–fourth of the State's homicides and 14 percent of its property crime. We have, if you look at the State statistics, twice the State average in almost every category. And while Durham and Cumberland and Guilford and Forsyth and Wake come close, we are all by ourselves in terms of our experience with crime at this time. You are helping us, but we are getting roughly 7 percent of the State's resources to deal with the problem in terms of our criminal justice system. Fourteen million out of a little over $206 million comes to Charlotte, 7 percent to fight 22 percent of the problem. As a matter of fact, we get almost twice as much for our public defender and our indigent defense as we get for our D.A., our prosecutor to prosecute the crime. And we have serious problems that are essentially teaching our young people, in particular, that crime does pay and that the risks are slight.

And so we have some very specific requests that we want to ask of you. Our reaction to Governor Hunt's proposals is very positive. The Governor is on the right track and we support much of what he says, indeed much of what he says is what we say. We're going to ask you for six or seven things, three of which will cost some money.

**First,** we would ask that you consider providing us money to create a boot camp in our City so we can take the juveniles, the front end, put them into a controlled environment, give them discipline, give them job training, give them drug treatment, and even give them some of the jobs that we are producing in our City in abundance. We figure it will cost about $700,000 a year to operate a model boot camp, and we can do it on facilities we currently have operated by our County Sheriff.

The **second** thing we ask you to do is to permanently fund our drug court. We are fast tracking drug criminals in a way that has caught the attention of our Attorney General and our Governor and they wish to replicate in other counties. And we're having an impact on drug crime in our City. That costs currently about $750,000. It's coming from the Governor's Crime Commission, about 75 percent and the other 25 percent is coming from the City of Charlotte and the County of Mecklenburg. We're the only city in the State, to my knowledge, that is essentially helping fund the criminal justice system, which it's against the law to do, but which we do by giving money to our County so they can give it to the system.

The **third** thing we ask is that you give us funds in the amount of about $977,000 to create something that is also novel called a Violent Predators Prosecution Team. We have calculated that roughly 7 percent of our criminal population is committing well over one–fourth of the serious crime in our community. And we want to have the resources to go after that element and investigate them and prosecute them and get them off our streets.

The **fourth** thing we would ask, that you to consider giving us laws, and incidentally all of this is in a very specific package and we drafted the legislation from much of this and it is something you can look at and review and we have given you the dollar amounts that go with it and help us have laws that keep out of our public housing communities, bad people. And give us laws to help us excommunicate, if you will, get out of our public housing communities, bad people. Our poor people have enough problems without having crime in their neighborhoods. We'd like to have some tools to clean up our public housing communities and make them safe for the least of our brothers and sisters in our City.

The **fifth** thing we'd ask you to do is do what Governor Hunt has suggested, and that is create the funding mechanism to have a criminal justice information system throughout this State. The man that was accused of killing two police officers in Charlotte had a criminal record with nineteen prior arrests. The judge who put him on probation knew less than five of that because that information was not available. We need to have a criminal justice system so we can exchange information with other counties and within our own County and we have been asking that for years and we'd like to help get your help in supporting that effort.

The **four other things** we'd ask would not take funds, they simply would require amendments to statutes—**one,** we would like to have it created as a felony for an assault on a police officer under any conditions. **Next,** we'd like for it to be a felony to use guns to commit any crime. Loaded guns or unloaded crimes, unloaded guns, toy guns, or real guns; any gun crime is a felony in this State. **Next,** we'd like for it to be a felony for the possession of less than on gram of cocaine. That is a subject that I think you all have discussed before and we'd like **to have enabling legislation** to consider—consider not necessarily impose a curfew for our young people to experiment with getting them off the street during the hours in which they can get in the most trouble.

We've implemented in Charlotte something we call TNT, or Tolerate No Truancy. All of our fifteen hundred police officers are truant officers during the hours of eight to four. We've reduced property crimes by some twenty percent during those hours and we think it has a direct relationship into our taking those kids and getting them back in school. We'd like to have the same authority at least to try to get our kids off the street during the night hours or at least consider that option, and we think we need State legislation to permit that.

Our City has also adopted something we call a Comprehensive Community Safety Plan. It requires a lot on our part in terms of prevention and doing things that you have heard a lot about today already on the front end but we need some rifleshot tools and we are not asking for the world and we are not asking for what we think is the perfect solution to try to deal with the folks in our community who are doing us the most harm. We need your help. We don't have a sure solution. We don't have a perfect solution, nor will you, I predict, come out of this General Assembly with a perfect answer to this problem. But action is needed and action is needed now. If you approve our financial request, we will go from 6.8 percent of your State resources devoted to prosecuting criminals in our City as opposed to 8 percent of the States population, to 7.9 percent or close to our per capita share. We will continue to have, I predict, without some drastic action, higher than our normal pro rata share of the problem in our State and we very much want your help.

I will be here; others from our City will be here throughout your Session to try to answer questions and to tell you what we think we are trying to do that makes sense and we will solicit your help. Thank you for having us here.

**SENATOR BASNIGHT:** Thank you, Mayor. We have three select committees that will be working on these very issues that you have spoken about (inaudible) each and every one of you and I am certain they will be calling on you from time to time. Nancy.

**REMARKS BY THE HONORABLE NANCY JENKINS**
**Mayor of Greenville**
**President of the League of Municipalities**

Good afternoon. I'm Nancy Jenkins, Mayor of the City of Greenville, and the current President of the North Carolina League of Municipalities. Senator Basnight, I certainly want to thank you for giving us this opportunity to share our municipal viewpoint with all of you.

We know that we must work together in combating crime, and if I might, I would like to speak first in my role as League President, representing the five hundred two (502) cities and towns across North Carolina which are eager to be partners in your commitment to deal with crime concerns across our State. We do appreciate Governor Hunt and all of you for your concerted efforts to study both punishment and prevention as you address crime in North Carolina. As you have already heard, the municipalities are on the front line in the daily battles with crime. City and town councils struggle with the dilemma of very lean budgets as we endeavor diligently to provide police service, recreation, affordable housing, Housing Authority programs, early intervention, employment opportunities, economic development and to coordinate with other agencies in combating crime.

We are doing many things well. But we know that we must be better and smarter in what we're already doing and there is no easy answer to the crime crisis. There's no one answer, there's no simple answer. The problem does belong to all of us, as is obvious here today. The problem does affect all of us, and all of us must work together for multiple solutions.

As you study all of these issues, we would simply ask that you remember the critical role that local governments are playing in law enforcement today. The vast majority of law enforcement officers in this State are employed by local government. Any proposal to fight crime must address street–level enforcement, and that does mean addressing the role and resources of city police officers. We already have some of the finest men and women serving in our law enforcement today. We are all acutely aware of that.

As you do consider the rising crime problems, we would hope that you would invest in the already existing resources of local law enforcement. And as you consider local government as your very effective partner in a campaign against crime, our hope would be, obviously, that you do not mandate action by local governments and fail to pass on the necessary resources to do so. Adopting unfunded mandates for local government is not a partnership that we would desire. While enforcement and punishment are certainly vital in the crime war, prevention and intervention, it has been mentioned many times here today, is of equal importance. The local government already provides their offices quality recreation, park programs, team centers, human relations groups, public housing programs, and many other preventive strategies. We need not re–invent the wheel, in many cases, to enhance what we already have.

The North Carolina League of Municipalities has a very effective grass roots policy development process, as all of you know. Legislative goals are adopted after standing policy committees make recommendations to our Board of Directors. In fact, our Transportation, Communication and Public Safety Committee chaired by the Mayor of Winston–Salem is a twenty–one–member group of representatives from large and small cities and towns and it's balanced in every way. We would hope that you would use our League as a resource to help formulate proposals that will impact on municipal government. Our League staff is always eager to work with you throughout this very special session. We know that we must work in partnership to serve our citizens best, and we appreciate and solicit your allowing us to be heard.

As the Mayor of the City of Greenville, I certainly would like to leave with you a packet of information for specific activities that we are undertaking in both enforcement and prevention. All of these worthwhile, but obviously not enough. The need for more police must be addressed concurrently with long–range prevention and intervention and I know, all my fellow Mayors have already shared with you other specific suggestions. We look forward to your deliberations. We do appreciate being made a part of this process. We are quite honored to be a part of your team. We know that punishment and prevention strategies pursued in partnership certainly can mean progress in combating crime in our State. Thank you, sir. **[EXHIBIT D]**

**SENATOR BASNIGHT**: Thank you, Nancy. How about questions from the members. Let's keep our answers short—

**SENATOR BALLANCE**: Thank you, Mr. President, Mayors, and County Commissioners, others, I'll preface this question, and I will be brief—we have a young lady who has traveled here today from Murfreesboro whose 15–year–old son is now being held on first degree murder, and her concern is not quite the same as you might expect. Prior to this incident when he shot her friend, she had taken him to counseling and he was on three different drugs. She saw him somewhat unraveling and she asked his father to take him to the court system. And he was taken to the court system and as far as she is concerned, not much occurred, and a short time later this tragedy occurred in the shooting. He was 15 years of age at that time. He is now 16, and Mrs. Faison is sitting up in the gallery here with us today, she came down to be with us. She's concerned about one provision of the proposal that all juveniles be tried as adults in these kinds of cases, and what we're going to do with that. And I just throw that out as a question for someone, maybe one of you might want to just comment on.

**MAYOR VINROOT:** In two years' time, the people between the ages of thirteen and sixteen in our County accused of homicide down to armed robbery, and that includes rape and burglary, has risen from something like 142 to almost 300—almost a 100 percent increase in two years time. And what we're finding in the serious crimes in our city is almost no remorse among those young people who commit crimes. Three (3) young men walked into a motel and shot a police officer two years ago because they were angry because he chased them off the property and essentially threatened their manhood in the process. And they came back and shot him in the chest and went home and went to sleep and all three had to be awakened the next morning for investigation. They were not even concerned enough about it to lose a night's sleep. I think we've reached a point where juvenile criminals need to be taken more seriously.

**SENATOR ODOM**: I want to direct this to my Mayor, Mayor Vinroot. One of your proposals in the package that I was able to look at on Sunday afternoon dealt with the curfew. A couple of questions on that, Richard. First, in all of your public hearings, and I know you had a number of them in Charlotte, to what extent was that proposal embraced or rejected, and especially from some of the higher crime areas and some of the Black communities where we've had so many problems? And secondly, do you know of any community that has successfully used a curfew with a city the size of Charlotte anytime in the last ten or fifteen years?

**MAYOR VINROOT**: Fountain, the place that it's being used most effectively is Charleston, South Carolina. It's not a curfew—it's a sign up, it's where parents sign up to essentially permit the police to bring in their youngster if they find him or her out during those hours. They report dramatic reduction in crime—some 27 percent reduction—and apparently many, if not most of the parents in Charleston have signed up for this self–imposed curfew. Atlanta has tried it, I think without much success. Philadelphia has tried it, according to our Mayor *Pro Tem*, with some success. We don't know whether we want to do it or not, but we'd like to have the right to experiment, and we aren't sure we even want to try it yet. But we are told by our City Attorney that if we don't have enabling legislation, it's questionable whether we can or not. But I will have to say the jury is out, we're not sure it will work, we're not sure we'll do it. We'd like to have the right to try.

**SENATOR ALLRAN**: Thank you, Mr. President. My question was this. As a lot us us know, as you certainly know, Mr. President, we have got, one of our Study Commissions is on the Juvenile Code and what we need to do or not do with the Juvenile Code. And I was particularly interested in the Mayor of High Point's comments. She had some very strong opinions in regard to Juvenile Code, and I just wondered, is it possible for us to get copies of these comments someway, and how would we go about doing that?

**SENATOR BASNIGHT**: All copies will be provided for all members of the Senate, as well as those speaking...(inaudible)

**SENATOR LEE**: It's no secret that I am a big fan of alternative school programs—community based programs. I wonder if the municipal and county leaders would comment as to what extent they believe school suspensions without these other options available in the community tends to enhance the commission of crimes among young people, and do you believe that our investment in alternative school programs and community based programs in conjunction with the school system would in some way decrease the commission of crime by young people or have any impact at all, in your opinion?

**MAYOR BROTHERS**: I think the suspension of kids from school has a terrific impact on the crime. We see them out of school and we find that they are involved in criminal action. The thing that really gets me is that we keep providing second and third chances to kids who throw all of them away. We spend a lot of money in public schools in this State, and those schools provide some of the best legal minds that we've got in the United States. And some examples are right here. Not all of you went to public school in the State of North Carolina. Some of you went other places. But we've got some good minds. But we keep giving people second, third, and fourth chances.

I look at a program that I worked in and I'm beginning to look at it and think about it more seriously now. JTPA Program which started in the evening after school. And I noticed the kids are getting thrown out of day school so they can go in the evening. And these are the kids who create the problems. Then I look at the setup during the day. You got all of the Assistant Principals there. In the evening, you got a few teachers and probably an Assistant Director or a Director. And those kids are allowed to be there. And in the past they've been able to create all kinds of problems in the process. I think if we're talking about alternative schools, I'd like to see a school that's a little more strict on what you have to do. Now if you've gotten out of the public education, the free part that you do what everybody else does, you got more freedom. When you're given an alternative school, I think it should be exactly that. You are going to do here, because we expect you to. And we have restrictions, rules, whatever, to make sure that you do. I don't know whether I answered your question or not, but I sure got a good time talking. Thank you.

**COMMISSIONER LAMB**: I think there is a correlation between putting people out on the streets without any alternative program and juvenile crime. Long–term suspensions are increasing. I think the new legislation you all passed last year will cause it to increase even more, perhaps, if it doesn't deter acts of school violence and bringing guns to school. We can't continue just to kick these people out of school and not provide an alternative. Like I said in my remarks, alternative schools are expensive. They don't have the best record. I mean, the record on alternative schools, you have a failure rate that is troublesome. But at the same time, we can't just throw up our arms and abandon these people. We have to look for new types of alternative schools. Structured, strict alternative schools.

**SENATOR BALLANCE:** Thank you, Mr. President. We have with us—some of them have gone out already—a large delegation of African–American ministers from across North Carolina. They were here for breakfast this morning. They had a workshop and they had what they call "A March of Faith." They may have been gone over to talk to some of the people on the House side, but they were here visiting with us today.

**SENATOR COCHRANE**: Thank you, Mr. President. Several of you all made comment on the need for parent involvement, parents being more responsible. A lot of us have been saying for years that the breakdown of the family has led us to a situation where we have so much crime among our young people. Do you have suggestions for us in how we can make parents more responsible, so that they fulfill their roles of molding the character of young people?

**MAYOR VINROOT**: I don't know how we're going to force parents to mold characters, but I will say that in at least two of the programs I mentioned, we're going to take parents into account. If you give us the tools to take people out of our public housing communities—incidentally, we have a waiting list of three thousand (3,000) families who want into public housing—if you let us take some of the people out of there who have people in their family who are involved in crime, we will make the tenant responsible for his or her children's acts and we will simply take them out if those children misbehave. That's one way in which we will force them to take a hand in their children's actions.

The TNT program I mentioned, the first time around when we pick a child up who is truant, we don't do anything to the parents. But the second and third times, the third time we take them to Court, and essentially prosecute the parents, as we should, for not keeping account of their children's whereabouts. Now we think that if we were to impose some things like curfew, we would get some parents probably who would like to have that kind of support to help them get their kids in their homes at nights when they ought to be there.

**SENATOR SIMPSON**: Mr. President, Commissioner Lamb mentioned a moment ago that the State was paying $14 a day to house state prisoners in local facilities. I know the Department of Corrections just completed a lease of some prison beds in Burke County for $40 a day, so you might want to go back over there and talk to some people before you leave.

**COMMISSIONER LAMB**: What I'm talking about is the six (6) months and less that some of the current systems, when misdemeanants are sentenced to terms of six months or less, they stay in the local facility and DOC reimburses counties at a rate of $14.50 a day. I think it costs the State right now about five and a half million dollars a year.

**SENATOR SANDS**: Thank you, Mr. President. Mayor Fetzer, you so eloquently spoke, I think, what a lot of us feel about taking the prison cap off. However, it is my understanding that the administration nor the State really has any control over it. I don't know that I can speak for this entire Body, but I think I can speak for a vast majority of this Body, that tomorrow we would take the prison cap off completely if we thought we could do it without interference from the federal courts. Now the administration doesn't have anything to do with it. It's the federal courts. Do you have any assurance that if we took the cap off that the federal government wouldn't turn three or four or five or six thousand of the most horrendous people in this State loose on our population? And what assurance do you have that that would not happen if we did it?

**MAYOR FETZER**: I don't have any assurance except that I know that federal judges are not immune to the popular sentiment of the people. I was really trying to express that, I know that oftentimes in this Body you are confronted with a good idea that is not necessary popular or politically palatable. This is a good idea that is both popular and politically palatable, and I don't believe think all we can do is fight. Like Governor Hunt said, we need to work on this issue, we need to fight on this issue, because the prison cap is just something that doesn't make sense to me. I think it doesn't make sense to a lot of you, and it doesn't make sense to the populace of North Carolina to continue turning these people back out. Of course, we have no assurances that—the federal courts have done some pretty bizarre things over the years—we have no assurance that they wouldn't. All we can do, all I'm asking is to do your best. North Carolina don't expect miracles from this Body, obviously, it's just something that's been communicated to me by the citizens of Raleigh that I wanted to communicate to you.

**SENATOR SANDS**: Could I respond briefly, if I might? It is politically popular and it is personally popular to me. I don't think anybody in here would object to triple bunking. The thing that we have to do, I'm not down here to be politically popular. I'm here to be also responsible. And I have a fear that if we do what is quote, politically popular, in this thing is that the federal courts as they have in other states either charge the state

multi–millions of dollars per day to raise the rates, or the biggest fear I have is they say, "Okay, the state has taken off the cap, we're going to impose one and tomorrow you have to let X–thousands of prisoners go," and that really would wreak havoc on this State. If anybody can give us any assurance that that wouldn't happen, I don't think it would take five seconds for fifty (50) green lights to show up on that board. So if anybody's willing to pay for it or assure us it can't happen, I believe it will happen.

**MAYOR FETZER**: Well, Senator, I think it's way beyond what's politically popular, I think it's also the right thing to do. I think we all agree on that.

**SENATOR CARPENTER**: Mayor Vinroot, you mentioned a few minutes ago, boot camps and the possibility of boot camps in your area. We were watching a television program the other night, and at Georgia and apparently they're having problems with any positive results in the boot camp in the Atlanta area. Do you have a different angle on your approach to this sort of thing?

**MAYOR VINROOT**: Yes sir. I'm talking about creating a model boot camp. We do in Charlotte something that I think is good. We have a homeless shelter in which we have at least people there who we can bring some of our remedies to them in an environment where we can make them accessible to those people. I look upon a boot camp the same way. There are a lot of troubled youth in our community. If we could get them out of their environment and get them to a place where we could bring in some of the Central Piedmont Community College resources, so we could bring in some of the Drug Education Center resources, so we could bring in some drug treatment, we think we could do a world of good. If we can do that as well as on the tail end of that 90 to two–year experience, depending on what the judge assigns that youth to do, we can also provide job opportunities. We're doing that. We're creating 22,000 job opportunities in our community under a Mayor's Summer Job Program to take youth out of our inner city and give them experiences with the good things that are happening in Charlotte. The good things that are happening there in record numbers, and I'd like to connect the same job opportunities to a boot camp. I'm not aware of any place in the country where that's being done. We think we can make it work, and make it work in a way that you'll be proud of and you'll want to replicate the boot camp that we implement, just as I know you now want, or at least some people want, to replicate the drug court that we started just a year and a half ago that's working very, very well.

I've come to you with a couple of ideas that we'd like to try there, because we think that our numbers are so disparate to have that population, to have that resource, and to have that crime experience calls for action, and calls for some experimentation that we think can work, and we believe that boot camp can have maybe the most effect on the kids that are on the front end of a criminal career that, unfortunately, until they get to about eight or ten in the cycle, after being slapped on the wrist and told you haven't done anything serious enough yet, then finally the young person goes out and does something really serious. And I've got a book full of incidents of that kind in our county. We think that boot camp—everybody wouldn't live there—some would live at home and report to it, but we could have some controlled environment opportunities to take some kids and do some things with them and for them that we don't have now on the streets.

**SENATOR DANIEL**: Thank you, Mr. *Pro Tem*. Richard, Mayor Vinroot, as I sit here and I listen, I want you to know, first of all, thank all of you all for coming. It's been—unlike having the chance to go and sit and hear this with the leaders of the Senate and the House, the rest of us were out making a living and depending on them to put such a panel together so we could hear what was happening all across North Carolina. Since we're going to have to fund this, look for the funding of this, and I think, Becky, you, or Nancy or somebody said "partnership," what I'm interested in, since we have made some good beginnings and, Zee—I thank you for mentioning that about what we've done with the structured sentencing—I think that your General Assembly, you know, a blind hog finds an acorn every

now and then, I think we hit a home run with that, and I think, certainly, to the testimony of the courage and boldness of this Body—I think of partnership, we've been trying to get better in going down that road, particularly in doing the bond issue this last year to help with the water and sewer, in some of the more rural or depressed areas, really, all across North Carolina, particularly those areas. Here we are, we've got one of the shining jewels of our State. All the cities, but particularly Charlotte, who is doing so well as far as national ranking and attracting jobs and doing those things. But yet at the same time, and I would assume the wealth or the revenues that come with that would certainly build your ability to provide certain services.

Yet you're seeing the needs are expanding right along with this wonderful testimony of progress. Is that something, as we work on these other cities, to come in that direction, whether it be Greensboro or Raleigh, that we are going to look to expect? Because when I think of partnership, we're going to have to find a money tree somewhere. And if we're going to continue to work in this partnering and the things that help us grow and develop, then we're going to also need that same sort of partnering from the cities and the counties to share in these expenses that we're going to incur. I'm not picking—I want to hear from you and then maybe then some of the others.

**MAYOR VINROOT**: We'd be delighted to go into partnership with you on all the ideas I brought to you. We are in a partnership now on the drug court, we'd be perfectly willing to share the cost of the boot camp and the prosecution fund that I mentioned. The fact is, we are putting all of our money in the things that we legally can do, and that right now, frankly, is police on the streets, and they are arresting at record rates. But they're bumping up against a prosecution and criminal justice system that simply is overburdened and that's not something we can legally fund, nor do we. We do indirectly, in the manner I mentioned, but we're perfectly willing to share the cost of those facilities. But to be perfectly blunt, we are getting about 6.8 percent of the State's resources in that area right now for 8 percent of the population for 22 percent of the problem. And at least, my first request is that you consider, if you funded entirely the things I mentioned, elevating us to what would essentially be *pro rata* about our population amount, 8 percent. But even if you don't want to do that, we'll share that with you because we want to do those things.

**SENATOR DANIEL:** Would anyone else—
**COMMISSIONER LAMB:** I would just say, I think counties have long been in partnership with the State on various projects and I think we would be willing to work with the State just like the Community Corrections Act. I think that's a partnership, and I think we're looking forward to working with the State on that. I would say that Charlotte's got a lot of money and there are a lot of counties across this State that doesn't have the same money and the resources that a Charlotte has, so I would hope that you would consider that when you figure up the division of money.

**SENATOR DANIEL**: Mr. *Pro Tem*, may I continue? Well, that's the point. In seeing the differing views because we are very much aware of having the differing type of problems in Charlotte, as well as in a Northampton County. We are going to be looking to try to find revenues here to do the sort of things that the Governor has recommended, as well as other ideas that come forward, whether it be the recommendation from Charlotte or wherever. The Governor said that, and I think he's correct, since we have gone to the people and gotten their approval to, pretty much in 1991, to deal with the budget crisis in raising the taxes the way we had to, to balance our budget, but yet cut spending, he is now recommending in his address in cutting government, going in and making cuts, he has recommended $45 million. Is this also a place that we can look for revenue, even on the local level, at the municipal and the county levels?

**MAYOR DAWKINS**: I would just like to say, Senator, I feel like yes is the answer. As I mentioned when I had the privilege of opening this up, I don't know of anything more important besides after this life, in other words, going to heaven. But I'm saying, on this earth, I think the most important thing we face is what we're talking about now. And yes, certainly for Fayetteville, incidentally. And I'm sure Senator Tally and Senator Edwards agree with me. You may or may not know, our City will have a 12 percent increase in population this year. In the next five years we will grow by 50 percent. In the next ten to twelve years, we'll probably grow by 120 percent. We're the fourth largest metro in the State already. Just a little history about Fayetteville, and we're next to the largest industry in North Carolina, of course.

So, yes, I think that we, and I believe I speak for my colleagues—I'll let them speak for themselves, as a part of the partnerships that we are working on now, and quite frankly, with the BRIDGES Program that the President *Pro Tem* is familiar with, and other programs that certainly we will. We know, and we are serious when earlier, I know that some of the other Mayors, Becky or Nancy and others, talk about partnerships—yes. And we will be side by side with you.

**SENATOR BASNIGHT**: ...(inaudible) by reducing our budget in North Carolina by, let's just choose a figure—one percent, would you support us if we reduced your reimbursable by one percent? Anybody do that? If we reduce our budget—you reduce your budget with the monies that we grant you, the cities and towns, in an effort to build facilities, whatever they may be?
**MS. ROESLER:** But Senator, we've been reduced for years, you never gave us any (growth)
**MAYOR VINROOT:** – I tell you, we'd figure out some way 'cause we're serious.
**MAYOR BETZ:** That's fair.
**SENATOR BASNIGHT**: You would be there with us to help us if we need you.
**UNIDENTIFIED:** Sure.

**SENATOR BASNIGHT:** Another question? Let's make it a little more difficult—these are some of the things we face. If there was a bond proposal, would you vote for the bond proposal to build new facilities?
**UNIDENTIFIED:** Absolutely. Damn right—correctional facilities.

**MAYOR VINROOT**: Let me speak for the citizens of Mecklenburg County. In the most recent jail bond referendum, state–wide, I think most of you know this. My recollection is it passed by about a thousand votes state–wide. It passed in Mecklenburg County by 60,000 votes. We certainly feel that way. And I would also give you one more sort of appalling statistic—not in North Carolina, but nationwide. I think what we're really saying today is that we need to put more emphasis on what I think Becky said, it ought to be a citizen's first right and that is security in this State. In this nation we spend about one–half cent of every public dollar on criminal incarceration facilities. We spend about three cents of every dollar on criminal justice of all kinds—facilities and prosecution and the like. We spend twelve times as much in this Nation on transportation. We spend twenty–seven times as much in this nation on education and libraries and that sort of thing. What we're really saying, I think, is we have got to in this State, and I think probably across this Nation at this time, spend more money on the punishment end of the spectrum, that we're obviously not spending enough to do the job.

**MAYOR BETZ:** Just wanted to respond to Senator Daniel in that we are in partnership with you, sir. And I think the dividends are coming. As we turn these young people around, as we work with the grant monies that you have provided to us, and we work with the private sector in our communities, we're getting to face these problems. We can't all be Charlottes. Southeastern North Carolina is struggling, we're under severe economic crisis. Unemployment keeps fluctuating all over. The City of Wilmington is only 58,000 people, and in the last two budget years we have reduced our budget, and that's the message that

our people, our constituency is telling us—reduce government spending. And yet at the same time, we added 24% more in our public safety side of the budget. New Hanover County Commissioners had a two–and–one–half cents property tax last year. They're facing with other serious crises. So revenue is a scarce resource anywhere we go, but we will partnership with you. Thank you.

**SENATOR KERR**: Thank you, Mr. President. Mayor Vinroot, I commend you on creating 60 percent of the jobs of the State with 8 percent of the population. But I was kinda shocked to hear you say you had 22 percent of the crime, and I had thought that the hope of a job opportunity was, you know, one of the pieces of this puzzle. And have you analyzed the reason that Charlotte is so prosperous and creating so many jobs, but still you are leading in crime, too, because maybe I've been disillusioned and have some wrong data, because we in the East have been trying to get where Charlotte is and it looks like if it's good one one side, but you are worse on the other? And is it the wrong jobs that we're creating, or we've got people that are off the scale in the job market? And I'd like to hear some comments. Is not the hope of a job opportunity a large component of this puzzle? And I'd like to hear from you, Mr. Vinroot, and some of the others.

**MAYOR VINROOT**: Well, first of all, I'd say we're not just creating 60 percent of the jobs—we're creating 60 percent of the new jobs that are being created in this State over the past five years. I would also say to answer the question, if I had the answer to that question, I think I wouldn't be here. I'd be making a lot of money selling that idea. No one knows the answer, but I can tell you, a lot of people are coming to our community for different reasons. A lot of good things are happening, a lot of good people are coming. They're coming to sell their wares and take advantage of those jobs. One out of ten of those people coming to our City are foreign–born. I think there are 40,000 foreign–born people in the City of Charlotte today. That's a dramatic new number. A lot of those folks are coming from other places. A lot of Hispanics, for example.

But what I think is happening is that simply when you have that kind of economic activity, that kind of economic activity when you throw drugs into the component. And then when you take a criminal justice system that is simply not absorbing—our police over and over are frustrated that we can arrest at record rates. We spend something like 57 percent of our City budget on public safety. That's on fire and police protection. That's on arresting people primarily. And they're simply not going anywhere. So that's why we voted so heavily in favor of the new jails. We simply are yelling and screaming and saying, "Please help us do something with that criminal justice system that takes our worst element off our streets." That's the reason they're not getting off our streets.

**MS. ROESLER**: Could I speak to the job opportunities? I think we have seen an enormous support and partnership with the Community College System as we try to address increasing the skills and the training of a labor force. In Guilford County, and within the High Point District, one out of four youngsters that enter the ninth grade do not graduate. And I think it's an educational system that we have to examine also. We're willing to take on part of the burden, but, indeed, you'll be hearing educators come in here later in your public hearing process, and it's everybody trying to do better what they are responsible for doing.

**SENATOR SIMPSON:** Mr. President, one question. Mayor Vinroot, I believe that you stated that most of the violent crime in Charlotte was being committed by about 8 percent of your criminal element. Do you think that the children of this criminal element you're going to be able to get in an after school program in the middle schools? You think those children would be the ones you're going to reach?

**MAYOR VINROOT**: Yes, sir. What I said was 7 percent of our criminal element, 7 percent, is doing about 28– or 30 percent of our crime. We know that that's probably a list of maybe 1,100 people, the sort of recidivist that can be identified in our community that we could have the resources to go after. I think a lot of those that I'm worried about

mostly are the two hundred fifty (250) last year who were charged with those serious crimes, that if we could have done something with those young people at age thirteen or age fourteen and gotten them into the controlled environment I mentioned, they would never end up in the homicide list.

**SENATOR SIMPSON**: But do you think you're going to be able to get those people into afternoon school program? The people we really need to reach?
**MAYOR VINROOT**: Yes, sir, I do.
**MAYOR SMOTHERS**: I think we can get youngsters in school programs. We've got people raising children who don't know how to parent.

**SENATOR BASNIGHT**: (recording inaudible)...written comments, leave with Principal Clerk...

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## PANEL
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## DISTRICT ATTORNEYS

1. **H.P. Williams is District Attorney for the 1st District (Elizabeth City).**
2. **Peter S. Gilchrist, III, is the District Attorney for the 26th District (Mecklenburg County).**
3. **Charles W. Hipps is the District Attorney for the 30th District (Waynesville).**
4. **Carl R. Fox is the District Attorney for the 15th–B District (Chapel Hill).**
5. **Thomas J. Keith is the District Attorney for the 21st District (Winston–Salem).**
6. **David Waters is the District Attorney for the 9th District (Oxford).**
7. **Donald Jacobs is the District Attorney for the 8th District (Goldsboro).**

**SENATOR BASNIGHT**: We have seven District Attorneys who will be with us today. As I said, we're starting a little early because we finished a little early. Maybe that'll help us a little bit as we move along. The format is very simple. If you keep your remarks very brief, we have questions and a couple minutes would do well, three would be okay also. But as much as anything, we want to interface with you and exchange comments and questions, but we would like to hear your recommendations, H. P., and if we can start with you, give us the District that you represent and your full name for the record. Thank you very much for coming with us and being here today.

### REMARKS BY THE HONORABLE H. P. WILLIAMS
### District Attorney
### First District

Thank you, Senator Basnight. My name is H. P. Williams. I'm the District Attorney from the First District. The First District includes the seven counties of Northeastern North Carolina—Dare County, Currituck, Camden, Pasquotank, Gates, Perquimans, Chowan. In my District I now have seven Assistant District Attorneys. We handle in excess of sixty weeks of Superior Court a year; nine District Courts per week with those seven assistants and myself.

What I see is a criminal justice system that works. And I say it works in that we are convicting more people than ever before. The judges are giving longer sentences. And basically, we do have a backlog, and our backlog is created by shortage of personnel. But I see the real problem being on the front end and the back end. When I talk about

the back end, I'm talking about the correctional system, and on the front end, I'm talking about prevention. And as a result of those two systems not working, the middle, the criminal justice system, has lost all credibility. You think about it, you have a correctional system that holds 21,000–plus people, more than 30,000 per year are being admitted into this system that's already full. Over 100,000 people are already in community alternatives, and there's really no figures that I know of to tell you how overcrowded that system is. Ideal figures of number of people per probation officer or parole officer.

No longer is the defense attorney begging for probation because they know that their client is not going to spend very long in the Department of Corrections. The committed youthful offender status that defense attorneys used to beg for, I never hear of that anymore, and that used to be a system whereby a young man could be put in the Department of Corrections and receive some rehabilitation. As a result of the short sentences, the correctional system has no deterrence value, and therefore the criminal justice system has no deterrence value. If rehabilitation exists within the Department of Corrections at this time, we don't know about it. We don't hear about it, because the turn–around time is so quick. We see little treatment, little evidence of treatment of drug abusers within the Department of Corrections. Occasionally we hear of an inmate who has received his GED, but no longer do you hear of an inmate who has got a college education or received a college education or some type of job training within the Department of Corrections.

Prison has become definitely a place to learn to be a criminal. Alternatives to incarceration cannot work unless there is one extra bed so that the Department of Corrections is a threat of punishment. I understand that you can't build enough beds to put everybody in, that everybody wants to put in, because of the tremendous expense involved. But unless we have enough to make the alternatives work, then the whole criminal justice system is going to fall through.

On the front end we talk about prevention. Senator Ballance came to Elizabeth City the other night to meet with the community, and that's what the community wants to see, is prevention. And I think prevention has to come from the community. Elizabeth City Police Officer Anthony Alexander's basketball program can be a tremendous benefit. Naomi Hester's Dare Alive Program can make a difference. And they need the resources that this General Assembly can give.

You know, what's happened is that government has relieved us of all of our responsibilities. If I want to leave my children, I can't be held responsible for it, and, therefore, we have to be held responsible, and government has to look at how we can hold people responsible for what they do.

How do we hold juveniles responsible? In my District, an undisciplined child cannot be brought to Court because his case will not be heard. So what do you do with an undisciplined child? Why won't they come to court? If he's undisciplined, you put him on probation. If he still continues to be undisciplined, you continue to put him on probation. We created a system of juveniles' rights without holding juveniles responsible for their acts. Likewise, in our juvenile system and our adult system, there are no consequences, and as a result of there being no consequences, there's no reason to behave. I think specifically of a case this weekend where an individual who in 1992 was sentenced to seven years. Before the next session of court in Chowan County, he was back and answered the calendar at the next session, not on a writ of *habeas corpus*, but because he was already out. I mentioned his name to some people in the court system this weekend and they said he was family. We knew him, he grew up with us, he's been in the court system so much. And the reason his name was mentioned is that he stabbed a man seven times in the neck and took his wallet this weekend and now he's facing the death penalty. And the poor man who was in the wheelchair and got stabbed seven times is now a victim because our system has broken down.

Specifically, I think the Legislature needs to increase the prison space so that the alternatives will work, so that people are not begging to come to prison and they're willing,

there will be some consequences of their action, and those consequences can be felt in the community. We need to increase resources. I lay awake at night wondering when am I going to try that defendant who is in jail. Or what Assistant D.A. can I assign that case to? Because I don't have enough people, so that they can prepare their cases for trial. We need more judges because without more Court, then the number of Assistant D.A.s will not help. We need more clerks, we need more magistrates. I have magistrates who work twenty–four hours a day. When you only have two magistrates in a county, he has to work a twenty–four–hour shift. Of course he gets to go home, but he's on call.

We need to keep calendaring of criminal cases in the D.A.'s office because the D.A. is the one individual who is responsible to the victims, to the witnesses, to the law enforcement officer—he is the one individual who faces a consequence if he fails to give the defendant a speedy trial. And if calendaring is a problem, the reason it is a problem and the reason a speedy trial didn't work, the speedy trial acts, because there were not enough resources to move the defendants through the system. You know, for two hundred years this problem has been growing. You have a tremendous task to try to fix it in this short session, and I wish you the best of luck.

**SENATOR BASNIGHT:** Charlie.

**REMARKS BY THE HONORABLE CHARLES W. HIPPS**
**District Attorney**
**District 30**

First of all, I want to say how much it feels like a reunion to be back today. I feel like family and I really appreciate the response I received today, and it's good to come home, but I also like a lot of reunions. It'll be good to leave again, too, and because you've got problems that I'm glad you're in position to address rather than me.

Grover Cleveland once upon a time went to church and on the way home somebody asked him what the preacher talked about and he said, "Sin." And said, "Well, what did the preacher say?" And he said, "he's against it." Likewise, if you ask me about crime, I'll say, "I'm against it." You've heard a lot of speeches and I would echo for my speech what H. P. has said about solutions. But I want to tell you what's happened with me since leaving Seat No. 13 over there. I ran for the D.A. job because I saw that things were not working in my District, and I had been down here and helped pass some of these laws, probably opposed some of them, and I went back home and I was just distressed that people weren't carrying out the legislative mandate as I thought it should be done. And I did something about it.

One of my immediate goals upon being elected and taking office in '91 was to try to restore public confidence in the criminal justice system. I tried to do that by reducing backlogs, by setting priority on cases so that violent crimes, child abuse cases, DWIs were prosecuted. And I tried to use every management technique and leadership training techniques that I could come with to do that, in things like utilizing the probable cause at the lowest level District Court to resolve cases that should be resolved at that level and tried to put into the best techniques. One of the techniques that I used, and I think H. P. talked about it, was talking about calendaring. I remember calendaring being a big issue. Calendaring is not an issue in the 30th District and in most of the districts in the State—it's an issue in some. But the exception should not make the rule.

Let me tell you what we've done in the 30th District. Teamwork is the key. First of all, I hired the best lawyers I could hire. I hired all defense lawyers I could hire, and myself, being a former defense lawyer, we have been on the other side. We know what it's like to be treated both ways. Hired the best lawyers I could and expected the most out of them. I think that is something from a management technique that people need to realize. We worked with the judges, the Clerk of Court, the defense bar, law enforcement officers, to

develop what I called a protocol manual. Each of my assistants has this manual, which they take to court with them. They memorize it, but they carry it to court with them. It tells them, with parameters, what they can do and can't do with regard to cases. It also gives them "Helpful Hints from Heloise", especially if you have cookbook on how to handle cases, how to do things like—one thing I require is my Assistants to be in Court at least one hour before court starts in the morning. I'm talking about in court, I don't mean in the office, I mean in the courtroom. Dealing with people, dealing with lawyers, with law enforcement officers, with poor defendants whose only crime was doing seventy in a fifty–five they're up there only because of insurance needs.

But one of the things I tried to do upon taking office—I went around to each of the entities within the District. Law enforcement—I went to see the assistant clerks as well as the clerks of court, and I asked them if you could change one thing in the court system, what would it be? And I took those ideas and I molded them into this manual, which we use. We also developed a Drug Prosecution Manual, and it shows successful strategies for prosecuting drug cases, and it gave tips to the officers how to make better cases, etc.

What has all that meant? Well, first of all, like H. P.'s District, my District is as large as the State of Rhode Island and the State of Connecticut put together. It's one hundred (100) miles from one courthouse to the other. It's a long ways. We have four offices spread out over those seven counties. In Haywood County, there were over four hundred (400) cases on the Superior Court docket January 1, 1991. Today there are less than one hundred (100) cases total in Superior Court in Haywood County. We have compacted the numbers down. We have reduced the volume of backlog, we have utilized the court as efficiently as we possibly can. We have reduced the median age of cases in that county to less than sixty–three (63) days, which I think is, if Haywood were a District, it would be the lowest in the State. The number is down, the median age is down.

What do I think that has to do with that? I think a lot of it has to do with communication. It has to do with working with the defense bar. For example, we set up our calendar about two to three weeks before court, and then within one week of court, we go ahead and publish the list of cases in the order that they're going to be tried. This is after we have gotten through with the pleas and everything else. Everybody knows what the deal is from the beginning. If a lawyer has a problem with court conflict, they know to call us. We talk about it, we take the case off the calendar, but they know it's going to be on the next calendar. It works itself out. Communication is extremely important. The point I'm trying to make is that we worked real hard on this, and I think you have to realize that each District has a different way of doing things. What works in my District may not work in Tom Keith's District. H. P. and I probably work better because we're both rural. But we've done all we can, I think, internally now. We've compressed all the numbers together. We reduced the backlog to its lowest level.

The problem I have is the revolving door concept. We have people to go through the system so fast it sounds like these helicopter blades going flop, flop, flop, flop, flop. We had a case recently where a guy was convicted as an habitual DWI in one Session of Superior Court, and within one month, had been released and was back in the Superior Court on another DWI, all within a one month period of time. That's pretty fast, folks. We had one Deputy Sheriff that arrested a guy out on the street one day, thought he had escaped from jail. He had just been released within three or four days from the time he was incarcerated. These are things that are out of our control, we do nothing about, except we catch the grief for it.

If there's one thing I would ask for, and that would be some technical resources so that we can continue to do the work we're doing. For example, everybody talks about structured sentencing. Well, structures sentencing is be much more demand on D.A.s to have accurate records before the court. I don't have a PIN machine, or access to one. I need one in my office, desperately. I go hat in hand to the Sheriffs, and sometime it's a week to two

weeks before I can get the information back. I need better information faster. So we need that information if there's anything I could ask for, it would be that. I think the other D.A.s need that across the State if they don't already have it. It would help on things such as, judges will call you, somebody has been arrested, they want a bond hearing, and you run down to the Clerk's office real fast and try to research the record within that county. But you need the record for the whole State, and you need it real fast, and you can't wait 'till two or three days later to get it. So these are things that we need.

I might also say that we have been able to take a very rural district, and one of the successes has been that we've helped—the county commissioners have been very helpful to us—we had very little equipment. Our idea of a computer when I went to office was a legal pad and a couple of yellow pencils, No. 2s. We now do have computers. We got one from the AOC through the District Attorney Conference, but the county commissioners have (in each of the counties I've gone by and begged, borrowed and promised, and they've given us computer equipment for our offices.

Thanks to the Supreme Court, we now have some CD–roms so we can do some research, but these are things we need, at least to be—I don't want to be on the cutting edge of technology—but I'd like to at least think that I'm out there fighting, not with the Red Baron against a stealth fighter, which is what a lot of the law firms have come up against us have. We need the resources.

Basically, overall, I feel that each of the D.A.s who have got different leadership management styles, we have different geographical districts, our responses are different, but we all have a common desire. We want to do the very best job we can do. Give us the tools, we will do the job. And I might say one thing, Mr. *Pro Tem*, D.A.s get mad with me for saying it, but it occurs to me that with the education system that you have through the State, that you give report cards on districts and what they do. We don't have that in the judicial system. We need probably some sort of an accounting basis internally, not just for D.A.s, but for the whole system. It does no good for us to be ready for trial, and a judge wants to go back home on Wednesday. It does no good for the judge to be there wanting to try the case and the D.A. not have something ready. It does no good for us to all be ready to try a case and the officers do not have their witnesses, or can't find them. The whole system works together.

**SENATOR BASNIGHT**: ...(inaudible)

## REMARKS BY THE HONORABLE THOMAS J. KEITH
### District Attorney
### District 21

If I'd like to see one thing happen, it would be in the area of drugs, which for seventy years, the incarceration rate has been 100 people per 100,000, nationwide—flat line. About 1980, if you'll look at a graph which I can show you, it goes vertical to 393 per 100,000 in 1990. We're above that now in 1994. So, instead of one in 1,000 people being in jail, it's 1 in every 250. So, you got three more people for the first time in history, in the last ten years, who are going through the court system. We always had that one guy in a thousand, the jerk that just cannot fit in, sociopath and what have you. Now we got four people, and what happened, three of them are probably drug–driven crimes. And they're competing with with the one psycho killer for his bed. So he gets out in 25 percent of his time instead of 100 percent of his time because we've got a bunch of the "drug–os" in there taking up space where people stealing because they need money to buy drugs.

On a small scale, on just a small county, we got a grant from the Governor's Crime Commission a couple of years ago, a two–year grant, and we took first offender drug people—now my county, 42 percent of the cases in Superior Court are drug cases. That's after they are screened at District Court, where if we don't have an absolute landlocked

winner, we plead it out. We have to select our fights. We can't take white collar criminals any more. We win 86 percent of our cases, but we have 5 percent less cases that we bring in than two years ago, probably the only district in the State where there's a negative number, because we screen from pre–arrest who gets our valuable resources. Because in this State, we only spend 3.9% of the State budget on criminal justice prosecution, and the nationwide average is 6.2 percent. So, you are getting a tremendous bargain for your dollar in prosecution.

But I found out that when my drug referral program called the "DONT" (Drug Offenders Need Treatment), when that ran out of money after two years, nobody wanted to pick it up. And we end up with a success of only about two people out of sixty–two (62) who have graduated who have backslid. The city says it's the county's responsibility, the county says it's the city's responsibility, and excellent program, successful, I'd like it to be the model for the State. We have a couple of years' worth of statistics, every kind of computation you could want, and I cannot get $40,000 from my city and county. I've got lay groups who have offered challenge grants of $60,000 if I can pick up $40,000. So if I could get something out of you all here, it would be a measly $40,000. Look at it and see for a couple of years, does this thing work? If it does work for a fraction of the cost of sending somebody to prison, you can keep them from going to prison.

So I think that prevention in the area of drugs is about the only thing that's going to save us. We run investigative grand jury for drugs that Don Jacobs showed me how to set up. Last week we took it back to Columbia, South America. I did a parallel grand jury with the federal people; federal D.A., State grand jury, federal grand jury, great complex, took up half my time, turned me gray. We got a guy that started it all who can bring in 1,000 kilogram deals, and there are 100 or 1,000 of them down there in Florida. And I don't have the resources or the grand jury or the police officers to fight it every single inch of the way.

We need some other weapons. Diversion and treatment, I think are good for some people, not for the supply side, but for the demand side, and I urge you in this Session to look at that. I happen to be from, it seems like, a very violent town. In the last twenty (20) months we have had three Winston–Salem police officers killed. Two of them, of the perpetrators, one of them we had prosecuted for assault on a law enforcement officer for shooting a shotgun at a police officer in chase. We convicted him, got him the max, he was out in ten months on a ten–year sentence, killed Officer Beane. Officer Buitrago, just went to his funeral, seemed like a month ago. I've just about quit crying. He was about a twenty–two–/twenty three–year–old young man, first week on the force by himself on the street. He attempts to foil an armed robbery in process, without a gun, and is shot and killed by someone who has spent literally three times more years in State prison than he has in freedom since he was born. And he was again let out in a mere fraction of his sentence from his last felony conviction. The Governor talks about "three strikes and you're out," That's great, I'd like "one strike and you're out."

And calendaring, I'll have to second what H. P. said, that you can't set up a straw man, tie my hands, put a blindfold around my eyes, shackle my feet, gag me, make me into a dummy and a straw man so you could knock me down, you can take the calendar power away from us. That's ridiculous. I came in from twenty (20) years of private practice. They had no computer system that I would even consider having in the first office twenty (20) years ago. I had to go to a private corporation and get a grant to buy a computer system for $15,000 because there was no docket control system for 4,000 felony cases a year. We've now loaded that, have a grant, like to network with the police and the sheriff and the jail so we can move the jail cases more readily because they cost $80 a day to keep in jail, so we need to move those cases, and get no support from the Legislature, from AOC in streamlining and modernizing our office. If a couple of my young men assistants here who are sitting up there, three of them, if they couldn't personally type after 5:30 when the secretaries leave, we couldn't answer our pretrial motions and do our

discovery. We don't have enough secretaries. We don't have enough typewriters to type on. We don't have the PIN machine in the office. I can go on for the rest of the Session and tell you what I don't have. It is amazing that we can even do as well as we do with the resources that we have. I've tried every trick that I've learned from the professional district attorneys.

I've only been in office three years, and as Judge Freeman said, my job was so bad nobody in Forsyth County wanted to file against me yesterday. It's almost an impossible task. We squeezed the lemon, squeezed it. We prescreen cases. Prior to arrest I have a D.A. trying to hone in on the good cases so we can use our limited resources. Yet I handle forty (40) murder cases a year, seventy (70) weeks of court, it takes two to three weeks for murder cases. That's eighty (80) to one hundred twenty (120) weeks of court, got seventy (70) weeks, and I got four thousand (4,000) other felony cases. A thousand bad guys and enough resources to try one hundred (100) people a year. Give me some help!

**SENATOR BASNIGHT**: ... (inaudible) "one strike and you're out" would you be safe?... (inaudible)
**DISTRICT ATTORNEY KEITH**: No, a violent felon—you know we've come a long way in psychology and testing—and we can look at somebody either in court or in prison and they'll tell you in prison that there are some people that they'll never let out, and that it is **not twenty (20) years** for first degree murder and you're on parole, it is **183.13 months.** And if it's second degree murder, and of those forty (40) murders, I only tried seven (7), so the other thirty–three (33) probably get a second, and they're probably first degree murders—he gets a whopping 88 months before he gets out and kills again. I mean, you just turn them out..
**SENATOR BASNIGHT**: ... (inaudible) read in the newspaper an article that said ...(inaudible) is that true that after twenty (20) years or twenty–five (25)...(inaudible)
**DISTRICT ATTORNEY KEITH**: Well, the man that killed Officer Buitrago was about my age. And he's still out there rampaging. Those people, I think, are the 100 per 100,000 who are just going to pillage, no matter what you do.

**SENATOR WINNER OF BUNCOMBE:** Mr. President, I've got a couple of questions to any, or all of these gentlemen. And they're nuts and bolts kind of questions. These were a couple of suggestions made to me to try to do down here by my D.A. on efficiency–type things. And they're small items. One of them is bigger than the other, but I'd just like to see whether you all concur with him or whether you think it's a waste of time, or a bad thing to do. The first one, is a more important one. He thinks that it's a waste of time to have the habitual felony charge as a separate crime, and has asked me to figure out a way to put it in as a punishment enhancement so that you don't have to go through a second jury trial to have the jury determine that they are a habitual felon. That's the first thing.

And second one is that he in deferred–prosecution type misdemeanor things that you're going to defer prosecution, he tells me he thinks it would be helpful to put back in the law what used to be called the nol pros with leave, a dismissal with leave for the D.A. to put it back on, so that it can be dismissed originally at the time of the deferred prosecution, not have to drag it back into court, and then if they don't perform what they're supposed to, then to undismiss it and put it on. And I would like to see if any of you all have any comment about either of those things.

**REMARKS BY THE HONORABLE DAVID WATERS**
**District Attorney**
**District 9**

Well, let me say that I think that in terms of the habitual felon, that it certainly would expedite things in the way that we're going with structured sentencing and that procedure

I don't see where it would be very difficult to set up that sort of arrangement. It is really just sort of cumbersome to try to get jurors to deal with habitual felon issues now that we can pretty well establish by a person's fingerprints and the records that we now keep that they are in fact people that were convicted of these crimes. With regard to the nol pros, I was a D.A. years and years ago where we had the nol pros with leave, and that's a very useful little tool. Everybody thinks that prosecutors always want to come in and slay some dragon. There are many times in which the just thing to do is to dismiss a case. And there are times when you don't really know whether you ought to just dismiss it or whether you ought to do something else, and that situation where you could take a dismissal with leave might fill in the gap. So I would suggest that that would be a wise move to make, is to restore that for those purposes.

If I could go ahead and make my comments. Well, maybe I should have identified myself—I'm David Waters. I live in Oxford, North Carolina. I'm the District Attorney for the 9th District, which includes Vance, Granville, Franklin, Warren, and Person Counties. I attended the great University of this State of North Carolina, and shortly thereafter in 1975, became an Assistant D.A. I've been the elected D.A. since January of 1979, and have served the citizens of my District since that occasion. I believe I represent in some form or another three of the Senators who are here today. While I attended the University of North Carolina, I campaigned for an Easter Seal volunteer to become Mayor of Chapel Hill, Senator Lee. And I've been interested in politics and issues involving government since I was at the University.

My son called me this morning to read me his paper that he wrote on the word, "virtue" in Philosophy 41. And I mention that because I've been elected to represent the State in the administration of justice. Justice is not an empty or vain words. And to serve the ends of justice, I submit, is a noble cause. After all, when I stood up this morning to "pledge allegiance to the flag of the United States of America, to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all" those are the two words, liberty and **justice,** that we have pledged to every citizen of this country. We've secured the blessings of liberty, and I submit to you that justice is also a real word, a word with meaning. If you don't believe me, you can ask Mrs. Medgar Evers, who waited thirty-one (31) years to get justice. I wonder what Patrick Henry, the great spokesman for liberty, would say about our state of justice now. Might he say something to the effect that even though we have eyes, we pretend not to see. Even though we have ears, we pretend not to hear. That we could rest supinely upon our backs and do nothing and hope the problem would go away.

I've gone to court a number of years and I've tried a number of individuals for very heinous and atrocious crimes. I've also gone to court many, many times and represented homeowners and merchants whose homes or businesses have been broken into. And I've gone through the procedures many, many times over and over of obtaining from them what restitution might be owed to them as victims of crime, and put that as a part of the judgment. But restitution is routinely ignored. And as I go back into the stores of many merchants, they look at me with their saddened faces, knowing that they not only didn't get restitution, they didn't get justice. Because the people who have broken into their stores and broken into their homes are right back in their community.

I venture to say that crime also could enslave us. If you don't believe that modern society can be enslaved by crime, look at the state of the nation of Columbia, where judges and prosecutors and police officers and other officials are routinely executed. And the same kind of energy that drives the criminal in Columbia, South America—crack cocaine and cocaine—is also the scourge of the streets of this State.

Now, when people cannot leave their homes because they're afraid, when people cannot venture into the public streets at night, when people cannot go where they have a right to be because they are afraid, do we have liberty? And is that justice? Justice is an important

word, and I would hope that as you consider the various proposals that are before you, you will ask in the back of your mind, does this do justice? As I have mentioned to you, there are times in the doing of justice when I dismiss a case, even though it was a violation of the law. And that might be the situation in which prosecution serves no further useful purpose. To prosecute someone would in many ways contribute to an unjustice.

I think the Governor and the D.A.s around this State have discussed the Governor's crime proposals. I think he has considered many of the things that need to be done. I, as a District Attorney, would encourage you to carefully consider his proposals, and to consider what you can do for the citizens of this State who have made our State great. There are now States that, of course, can be concerned and are concerned about economic development because the crime problem has gotten to be so great. We don't want to have those kinds of problems in this State, and we can have the kind of State that we had when I first began as a prosecutor, when instead of being 16th in terms of violent crime, we were 40th. Thank you.

**SENATOR BASNIGHT**: Thank you, David.

Donald, how about telling us just what we should do. Let's cut through all of this and tell us some of the things we should do.

**REMARKS BY THE HONORABLE DONALD JACOBS**
**District Attorney**
**District 8**

It's a very complex problem and I can address that as a technician and as fast as I can, I will do that. The one thing that I see out there, and I got blinders in this respect because I had the problem in my District and I had to address it 20 some years ago, and I've worked it and I find that if I keep applying the same formula, I think I cut down on my burglaries, I think I cut down on my robberies, I think I cut down on my homicides, I think I control my overall docket and it's predicated on the statistics being generated from drugs, crime, and the justice system, December of 1992, the last FBI statistics about how cocaine and heroin are the drug problem fuel, or as the gasoline driving a lot of the crime on the street. And what I've tried to do is to address that problem and dedicated some resources into my office to attack that problem.

Now I applaud all of the initiatives that the Governor's crime package, I am sincere about that. I think a lot of those ideas are good ideas. I see one thing that I think is missing. I notice there is balance in trying to help people keep them straight. There is balance in trying to attack the guy who is in prison, but I don't see any balance in trying to attack the high-level generator of crime on the street—the one that if I can attack him, if I can put him in prison, I may affect fifty (50) or sixty (60) break-ins on the street, and that is the drug pusher who is in it entirely for greed, entirely for money, and he's got a lot of resources and a lot of insulation. And my problem is I have to penetrate that insulation that he set up in order to attack him.

And Tom Keith alluded to it in your investigative grand jury. You've given us some marvelous tools, but they're not being used as well as I think they could be used. Your FBI have very dedicated officers, the ones I come in contact with are very highly trained, are good officers, they know how to work their cases, but they don't have the time, they don't have the energy, and I'm talking about cases that consume a mammoth amount of man hours, but are productive in what is happening on the street.

Now—**proposal**—for that one thing, I think you could look into strategically locating task force in this State to legitimately attack those people and those people only. They may be located in a cooperating District Attorney's office to be supervised, but that is their charge. We had a grant where the Conference of District Attorneys could use a drug

prosecutor to run the grand jury that you gave us. And that grant is gone. So I had one, I'd worked it for about three years. I'm like Tom. Tom said he's gone further than I have. He's gone to Columbia; but I'm down there at Mexico; I'm at Tucson, Arizona; I'm out west, and I'm attacking high–level cocaine deals, high–level marijuana deals, people who have been in the criminal field for years, and their parents was in it. And it's a business with them, and they generate high dollars, I mean, they generate high dollars. I can show you some figures that they kept records and how millions and millions and millions of dollars have been generated. I think you could strategically locate resources across this State to attack those people and you would have some appreciable effect on the street.

If you cut off the supply, you keep the balance there. Your initiative, seems to me like, is dealing with the guy who's addicted. You don't want him to break and enter, well, take the supplier away from him, too.

**SENATOR BASNIGHT**: So your Number 1 recommendation in this Session of this General Assembly would be to attack the supplier.
**DISTRICT ATTORNEY KEITH**: I think balance. No, I like the overall balance. I'm saying, with a very little bit more money, I think you could strategically locate task force. Tom has got one operating right now, and I know it's very good. I mean, they've made—he has told me of some things that they've done that boggles my mind, as far as computerization of that type of work. But what I'm telling you is that is the type of work that need not be neglected in this State, and I'm afraid we're overlooking that.

**SENATOR BASNIGHT**: Some good stuff. — Carl.

**REMARKS BY THE HONORABLE CARL R. FOX**
**District Attorney**
**District 15–B**

I like to be pretty specific, and I'm going to be pretty specific on some of these things. I think that I've read Mike Easley's proposal with regard to reorganization of the courts. I support that. I think you would free up a lot of our time to prosecute violent criminals if you would shift some of these things such as infractions and minor violations to magistrates court, if you would make it so that we could take guilty pleas and Class H and below felonies in District Court, and thereby dedicate more resources to the Superior Courts for the prosecution of violent criminals.

One of the things that we spend a lot of time on is, I spend a lot of time on in our office, is probable cause hearings. I think that probable cause hearings were well intended, but I think that we would be more in line with what was intended for them if you restricted probable cause hearings and required them only for people who are incarcerated. I think that right now we spend a lot of time doing probable cause hearings for people where the people have confessed to the crime that really wastes a lot of time, court time, and time of personnel in the office to conduct those hearings, and I think that if you changed that, it would free up personnel in D.A.'s offices.

I think that one of the things that I looked at, I looked at the Attorney General's statistics on violent crime, particularly as to murder and robbery over the last three years that was reported in '90, '91, '92. And what I found was that what you were saying tends to be true about people aging out. That among murderers, the murder rate dropped drastically once people reached age fifty. People involved from age fifty to age seventy–five plus represented only 5 percent of murderers in 1990 and '91, and only 3 percent of murders in 1992. Among rapists, they—that same group—represented 1.8 percent of rapists in 1990, 1.4 percent in 1991, and 1.7 percent in 1992.

What I'm saying, in a nutshell, is that if somewhere between this "three strikes" proposal, you put a "two strike" proposal so those people could, say, receive a twenty–year minimum sentence without parole, I don't think you'd ever see or need that third strike. I think that you'd age a lot of these people out by having them sit in there and do that 20–year time, and thereby eliminate the necessity for another victim to have to be victimized before those people end up with a sentence which would keep them there for the rest of their lives.

I think there's a lot that could be done with regard to forfeiture. We have currently, if money that's seized pursuant to drug raids can't be linked transactionally or procedurally with the drugs, then a lot of times the judges have to order that those funds be returned to drug dealers. I would propose that you legislate that if drug monies or proceeds are found within proximity, that is, on the person, in the car, in the home of a person where drugs are found, then those can be forfeited and should be forfeited with regard to that.

I think that if you—I think that one of the things that you could do is to provide that you can revoke the registration or the license of someone who is themselves involved in certain kinds of crime, or particularly drug offenses, or revoke, say, the registration plate of a vehicle involved in break–ins, larcenies, and other violent crimes. I think that you could increase the liability of parents for their children's actions. Currently that figure is pretty low, and I think that there really shouldn't be a limit. One of the things that's a problem for me is how parents can absolve themselves of any liability for their children. Maybe if we held them more responsible, then they would see that their children are home when they're supposed to be home and doing the kinds of things they should be doing.

I think that we shouldn't allow ownership of guns by convicted felons under any circumstance. I don't think that after they've been discharged, they have been released or anything, I think that's something they forfeit for being convicted of a felony, and that's the way it should simply be.

I think that with regard to weapons, and this is probably going to be controversial, maybe something you're not going to take up at this time, but I think you should seriously consider outlawing assault weapons. I think you should seriously consider outlawing weapons that are designed to be easily concealed, such as that Derringer that ended up in the jail just the other day, I believe it was here in Wake County. There's no reason to have clips and drums which can hold capacities greater than fifteen (15) shots. I read recently of a gun that was for sale in the *News and Observer* that held seventy–five (75) rounds in one clip, and forty (40) in two other clips it was being sold with. I've seen shotguns that hold twenty–four (24) shotgun shells at a time. Those things are designed strictly to kill people in large numbers, and there's no reason for any normal person to have them in their possession.

I think you should consider requiring permits for people who want to buy the kind of ammunition that is extremely dangerous, like talon rounds that injure physicians when they operate on people, and glazer safety slugs, and the cop–killer rounds which have been available on the market.

I think that you should consider making it illegal, for instance, to possess a firearm even off your own premises if you've been consuming alcohol or intoxicated. I just had recently a young college student who was shot to death by a round in a room over at the Chi Psi lodge in Chapel Hill and apparently both those young men were drinking at the time and that young man is dead. That doesn't fall within the purview of the city codes, as we have them.

There's, I think the cities are trying to do, and the municipalities are trying to do a lot about this problem, but I think that some of this has to come from this area. And I think that you would also well serve the public if you made it so it was mandatory and that we could prosecute 14– and 15–year–old violent offenders who commit crimes such as murder and rape in the Superior Court. I think that the statistics show that those people

are becoming involved. Young people are becoming involved in this kind of crime earlier, and I think simply the public is outraged by the fact that these kids can be released earlier.

That aside, now let me say this. I don't think that there—this is a war against crime, literally speaking. I don't think that all the things we can do, reactive to this, are going to accomplish very much unless we seriously examine the kinds of things that are being utilized in the communities across this State and across this country to try to combat this kind of thing. I think that part of the answer will lie in the ability of this State to provide the resources for good programs that are working to try to prevent young people, particularly from ending up in the prisons of this State, will serve us and save us millions and millions, if not billions of dollars over the years.

I think our key on down the road should be to look at crime in the sense of how can we reduce the input? No one in this State that I know of wants to be the victim of a crime. And all that we do after they have been a victim of a crime doesn't do very much. The question is how can we prevent it, and I think that we should spend what we can, as far as our time goes, to study programs that have worked in other areas and see if we can't duplicate those across the State and make them work across the entire State to reduce crime.

**SENATOR BASNIGHT:** Thank you, Carl. Peter—

**REMARKS BY THE HONORABLE PETER S. GILCHRIST III**
**District Attorney**
**District 26**

Thank you, my name is Peter Gilchrist. I'm from Mecklenburg County. We're spending an awful lot of money operating some very expensive systems—law enforcement, our courts, and our corrections. And it's amazing how very little we know about what we're doing. We don't have basic management and operational information. At the present we don't have the information for operating a D.A.'s office, information for operating courts, information for operating prisons. We don't have management information. We don't have information that provides the legislative bodies such as you the ability to make good policy decisions.

At the present time, this Legislature is funding, and we're paying for a variety of State information systems. These are expensive to operate, they don't share data with each other, and they don't even provide the data that laws that have been passed mandate must be given to other State officials to make criminal justice decisions. Magistrates and judges are not able to get information to set bonds. Do you know that a magistrate doesn't even have access to a computer terminal that provides him with criminal history information from the DCI (the Department of Criminal Information)? Do you know that District Attorney's offices are not provided with terminals to allow them to have access to the SBI's criminal history information? Judges do not have access to those terminals. Probation officers are not given information that they need to set levels of supervision. Parole—I don't know whether the parole officers can get it, but I don't think they do it on a regular basis, get adequate information on histories of folks that they're making parole decisions on.

Structured sentencing is going to go into effect in January of next year, but we've got a lot of people who're in prison at this time who are going to be there, and are going to be subject to parole decisions for a long time to come, and that information is necessary. Do you know that we do not routinely provide police officers and police departments with the results of the arrests which they make from court data? Jails are not tied into the court system. The sheriff is not provided information on when they must have a prisoner in the courtroom. The same is true for prisoners in the Department of Corrections. That's a State court information. The court system is run by the State, the prison system is run by the State, and those systems are not even tied together so that folks in the DOC don't automatically know when a prisoner is needed in a court in another county.

The list keeps going on and on, but I hope maybe you're beginning to get the impact of a serious defect. State money, now that's State money is being used to pay for three major criminal justice computer and information systems, the three big ones, and it's also being made to pay for a number of smaller systems. The DCI (the Division of Criminal Information) is operated by the North Carolina Department of Justice. Now that system collects information on crimes that are reported, and it also collects information on people who are arrested based on fingerprint information. These are sent in by the sheriffs and the local jail as people are booked in.

The Administrative Office of the Courts operates a separate court system that keeps track of court cases and defendants. The DOC (Department of Corrections) has its own system, independent, that collects information on people who are on probation, people who are actively locked up in prison, and people who are on parole. These systems were neither built nor designed to use common technology standards. They don't use common data definitions. One of the major systems, the one on AOC, is not fingerprint based. This means it's extremely difficult to transfer basic information from one of these to the other. And even worse, if that's not bad enough, these various agencies have policies that much of the data that is viewed as their data is owned by them and they don't share it or make it available to other governmental agencies. They don't give it to local police, they don't give it to sheriffs, and even worse, they don't even give it to State employees.

I, as the District Attorney, cannot get access to the DOC system. If I want to find out who is on probation or parole, I've got to walk over to the probation office and ask them to run me an inquiry so I can find out who's in. We are sentencing people, we're going into court and sentencing people when the State DOC system has one bit of information, shows one set of corrections, and the SBI system shows another, and they don't agree with each other. You're paying for all three of them.

Now, the Legislature has the authority, and I suggest to you, very respectfully, the authority to make sure that information is shared among these systems and made available to State officials who by law have the responsibility to either set bail or to sentence folks. And it seems to me that if this information reposes in State systems, that unless there's some specific reason or law that it should not be shared, the presumption should be that it should be available to those people who have a need for it to make proper decisions. I think this is particularly timely for you, because we've got these three systems, and every single one of them is in the process and they're making requests to you to either upgrade or to rewrite those systems.

The DOC system is being done right now. The AOC system is going to have to be done very shortly, and DCI, in order to comply with new federal standards, is going to have to be reworked. We've got a window of opportunity, when they're going to come over here, these three groups are going to come to you and say how about giving us money to pay for our system? And I would respectfully request that when they come over that you say, "Gentlemen, ladies, we want you to use a common technology in your systems. We want you to define your data in a way that it can be read so that folks in the DOC who are making parole decisions can look at what the SBI has got. The folks in the court system can know what people in prison are doing, and the arrest records, and that we share this stuff among ourselves. We couldn't be running a more expensive process, and it's almost as if we had intentionally stuck our finger in our own eye to keep us from looking at data that we need to make these decisions.

Now, that doesn't even contemplate—that's operational decision and management decision. When you start going to the policy level decisions that need to be made by legislative bodies and other commissions, we can't come close to extracting the information that's necessary there. And I just think this is the place we need to start.

**SENATOR DANIEL:** Peter, that rings something I've heard before in working with the health care folks. One of the first things we found with the crisis in health care is we had such a poor data system, the North Carolina medical data system here, that before we could even get to the root of the problem, we had to have good information to base good decision on. That's one thing I think I heard across the board there, that that is one particulartoolthatlawenforcement,judicialofficials,probation,magistrates,andcorrections need to be able to do the job. Is that what I'm hearing?

**DISTRICT ATTORNEY GILCHRIST:** Well, I think we started off with the criminal histories. That's so obvious it doesn't even—I mean, it just seems like there should be no argument there. But it really goes far beyond that. It goes into setting prosecution priorities, you need to be able to look at your case, what your pending inventories are. When I turn on a television set and I see a man, a curmudgeon, walk up to his secretary and ask her where a package is, and she can look up on her terminal and tell him, and yet I can't do the same thing on a terminal and find a man charged with murder in my own system and find where the case is along the process and we're keeping him in a local jail at $40 a day, or in the Department of Corrections —
**SENATOR BASNIGHT:** ...(inaudible) Department of Corrections work with you fellows and try to get it all together?
**DISTRICT ATTORNEY GILCHRIST:** These things have grown up over a period of years and each agency, in my opinion, has been looking at its own problems.
**SENATOR BASNIGHT:** Well, let's work on that. I believe everyone...

**SENATOR CONDER:** I have two questions. Number one. How much does a PIN machine cost?
**DISTRICT ATTORNEY HIPPS:** About $236 a month.

**SENATOR CONDER:** With thirty–nine (39) D.A.s in the State, I can't imagine you folks not having a PIN machine at your fingertips. That bothers me.
**DISTRICT ATTORNEY HIPPS:** I can't imagine it either. And worse than that is to have to go somewhere to a Sheriff's Department and beg them to run—
**SENATOR CONDER:** That's intolerable. I'd like to ask Mr. Fox. Mr. Fox, you had a lot of good relevant comments and questions. One in particular that's a real pet peeve of mine, and that is the point you were talking about parents assuming the responsibility for their own children. I asked staff to draft me a law to that effect, I'm a non–lawyer, and they tell me it's already the law. Now help me draft a law to do that and it be in the hopper between now and Thursday, if you'll help me do that, I would really appreciate that. Can you help me with that, Mr. Fox?
**DISTRICT ATTORNEY FOX:** I certainly will try and that's for sure!!

**SENATOR WINNER OF BUNCOMBE:** I want to ask Mr. Fox a question, if I may, because he said something that my District Attorney told me the exact opposite. Maybe some of the rest of you all can—you stated that you thought that Mr. Easley's suggestion about moving infractions to magistrate, the magistrate court was going to save you, your office, time, my D.A. tells me it's going to cost him an extra Assistant D.A. because he's going to have to have somebody to man the magistrate courts in addition to the District Courts where they now are.
**DISTRICT ATTORNEY FOX:** No, when I said that, my intention was that there was not going to be an Assistant D. A. down in Magistrate's Court. I think that in the system in Virginia, and I believe in South Carolina, they don't use Assistant District Attorneys in those courts. They have magistrates sit there and hear the cases and then an officer appears and testifies and the person has an opportunity to hear the case. There is no Assistant District Attorney tied up in those proceedings, and it only rises to the level of Assistant District Attorney being involved in the case when those cases are on up the ladder, and more serious violations.

**SENATOR WINNER OF BUNCOMBE:** I can tell that you weren't around here to try cases in front of old J.P. Courts.

**SENATOR DANIEL:** Mr. Jacobs, I'm very interested in what you had to say about this task force that you said Tom Keith has a model system that using resources in that sense could go a long way toward getting to the supply side of the drug dealers.
**DISTRICT ATTORNEY JACOBS:** Yes, sir..
**SENATOR DANIEL:** Could you be a little, do you have some similar program, or do we need to look at Tom Keith's?
**DISTRICT ATTORNEY JACOBS:** Yes. Well, I have a similar program, but there are, as I know, three districts in this State that have worked operating grand juries, and what I would envision is that there are not many areas in the State that need them. Because the law of conspiracy is such that once you have located, you can go reach out, like fingers all over, but I see it that we do need something like that strategically located and the funds need to be there to computerize it. Tom Keith, he tells me that he had a computer fellow—he can tell you more about this than I can—but what he's reported to me, a Forsyth police officer can computerize the methods that we're using, developed over a number, a number of years, and it just sounds marvelous. And it takes—it's very labor intensive—but my experience has been, it is productive. I mean, I've run three grand juries three years and generated over one hundred (100) defendants and at the point now that multi–million dollar people with hundreds of thousands of forfeitures. While I do not consider that to be a waste of my time. At one time I had one forfeiture over my career in excess of $500,000. Built a portion of a high school in Wayne County that I was very thankful to see go up. But what I'm saying to you is, when you attack that level of the drugs, you're controlling the street, too, because there's a down flow. These people need to get off drugs, they need to be rehabilitated. You need to help those, but you also need to try and keep the drugs away from them.

**SENATOR DANIEL**: Tom, could you speak to that a little bit?
**DISTRICT ATTORNEY KEITH:** We got a grant from the Governor's Crime Commission to buy some equipment and one of the things was a laptop, and of course we didn't get enough money to do the programming, so we went to the City and they had a fellow named Riley Spoon, who was a sergeant and a computer genius and also a cop. And he built a program which we had looked at the SBI's and found it wanting. We talked to Ed Grannis and Mr. Jacobs, and had seen what they had done. And I didn't have the time that they had put into their grand juries. And I said, it's gotta be something different, because in private practice, when I had a problem, I just threw money at it. I mean, I'd go buy a toy and I'd fix it. And in civil law, you just put all your depositions in a diskette, put in in your laptop, and I'm old and forgetful and if I can't remember, I'll put in a keyword, universal search—dope, Joe Jones, kilo—and anywhere in 100,000 pages of depositions of grand jury testimony or investigative reports, it appears on my screen. And then I put in 40,000 telephone numbers that we've gotten, by hand, because the telephone companies will not give them to us in data entry form, which they could, which you would just shuck in. So you've gotta pay $25,000 to a secretary to type 40,000 numbers in there. And I say, I don't know who my drug dealers are, old computer, here's four folks. Here's their numbers. See if they're calling a common phone number and the computer in about a milli–second goes "Whappo." This guy was called one hundred (100) times by each four of these jerks this month. Then we go subpoena his bank records, start looking at him, and we are running. I got to come in after Don Jacobs spent twenty (20) years learning how to investigate these people. I came in from private practice where I had assets. The State never gave Don any. And that's a great idea, but it costs money, and there's no support, you know, if we can't get a DCI machine, golly, no, we can't get—

**SENATOR DANIEL:** Any idea approximately how much money?
**DISTRICT ATTORNEY KEITH:** Oh, a laptop's cheap, 2,500 bucks.

**SENATOR BALLANCE:** Thank you, Mr. President. David Waters, thank you for using the word justice that rings loud in this room, and I think a comment from Mr. President, and then a question, the DART Program, I believe, the gentleman from Winston–Salem, Mr. Keith said "two out of" how many?
**DISTRICT ATTORNEY KEITH:** Sixty–some who have graduated and we still have probably another sixty (60) working.
**SENATOR BALLANCE:** Only two went back to crime?
**DISTRICT ATTORNEY KEITH:** Well, actually, one was kinda hanging around, loitering, getting ready to sell drugs. The other one did sell drugs.

**SENATOR BALLANCE:** David Waters, don't you need one of these programs over in your District?
**DISTRICT ATTORNEY WATERS:** Well, Frank, I think we need anything that we can do to help people away from drugs. My eyes have been opened in the last few years about crack cocaine. I know when I went to a seminar years ago and people came in from out of state and said crack cocaine is going to be a real problem. We didn't have any idea what kind of problem it was going to be. There are people that crack cocaine impoverishes their lives. They spend everything that they can muster to buy crack cocaine, and then they start picking on family members for money to try to help them pay for crack cocaine and the addiction that's associated with it. And where family members resist, I know for instance I have a man in jail in Granville County who's assaulted and attacked his grandfather very viciously because he wouldn't give him the money to go buy cocaine. And it creates not only a problem of impoverishing the individual that's addicted, but it also, in situations where they feel they have the need for it, makes them very aggressive and very assaultive.

**SENATOR BALLANCE:** Mr. President, can I just say this one thing? I just want to say this, Mr. Fox, we do have in the structured sentencing bill, what you suggested. That is, people do day–for–day for the crime I just want to mention that.

**SENATOR GULLEY:** Thank you, Mr. President, I wanted to start off addressing this to Senator Hipps, District Attorney Hipps. And then invite other comment, as well. And it deals with structured sentencing, the thing that Senator Ballance has mentioned. Because in your remarks, Mr. Hipps, you made mention of the revolving door, certainly a complaint all of us have heard, I think, from our constituents for a number of times. And as I understand the complaint, it's that no sooner is somebody picked up and brought in than either they're released or they're sent—they're serving less than 20 percent on a felony, less than 10 percent on a misdemeanor, and they're back sooner, or they never leave because you fax papers back and they're back out on the streets again.

Assuming that's what you meant by the revolving door problem, it's my understanding from our discussion last term that the structured sentencing bill was an effort to try and deal with that. I want to acknowledge at the outset that there's resources that all of you and all of us will need to implement that legislation, as you mentioned. Also, that's—I don't want to assume it's perfect legislation—there's some suggestions in this Special Session to revise it here and there, and we may well continue to do that. Assuming the framework of that legislation, which says there's going to be a minimum sentence, a maximum sentence, you won't do less than a minimum, and there'll be some truth in sentencing, and it's going to mean when you trip up into a level that you're going to prison, that you're going to go away for a reasonable period of time, you're going away for a significant period of time. And you can't for good behavior or anything else come out.

That was never to speak to the problem of the revolving door, and I guess, I—at least, I was under the impression that it was a good effort to deal with that, so when folks will ask me now about the revolving door, I say let me tell you what we have done to try to deal with that problem. You know that that bill passed, and you know probably about that bill better than I do, and yet you're still coming to us today and saying the revolving door is a problem. I'm wondering if that is not gonna, at least in a fundamental way, attack

that problem, what more do we need to be doing to attack that problem that we're not doing now? And again I'd invite comments from everyone, thank you.

**SENATOR BASNIGHT:** Are there any questions? ...(inaudible) we got some members wanting to get some in and we appreciate that.

**DISTRICT ATTORNEY HIPPS:** On a quick basis, I believe the structured sentence bill, as originally proposed, was a good idea and I do not take issue with what you finally passed, because I recognize that people propose and the Legislature disposes. However, that bill doesn't go in effect until the future. Right now, I'm worried about the recent past, I'm worried about what's going to happen between now and the future. I do think that in short term, people are looking for safety, they're looking for some truth about sentencing. It's very hard for me to explain to victims what time means, and I think the structured sentencing bill will address that.

Over the long run, though, the real problem in this State, as I see, is the recidivism problem. I am seeing, in the thirty (30) years, almost thirty (30) years I've been practicing law, I've seen three generations of families in the court system in the various jobs I've had over the years. I'm talking about generation after generation after generation. These are the same crowd, and their kinfolks, who are the ones doing a lot of this stuff. And, if you could figure out some way through the preventive efforts, through the intervention efforts, through whatever, or if it's the case of putting people into a prison for a long period of time until they age out, as they talk about, and we do age out of a lot of things around fifty (50), by the way, then all these are solutions.

But for right now, the biggest problem that people face, and by the way, people back home really haven't heard of structured sentencing yet, all they know is that "Joe Six–Pack" went into jail last week and he's going to be out in ten to twelve days, or whatever, or on misdemeanors, maybe less than that—and they know that for a sentence that a month equals a day—all they know is they have been victimized and somebody's getting ready to do it to them again. And until we can put some stability into that system, until people feel safe in their homes and where they're working, etc., then the rest of our fabric of society is, we don't even need to address. But overall, yes, I agree with all the efforts that are going on. Particularly the prevention efforts, first thing, but meantime we're facing the flop–flop–flop–flop–flop, because that's what's happening.

**SENATOR PLEXICO:** Thank you. District Attorney Fox, you mentioned "two strikes" idea, I think you said, with parole, with twenty or twenty–five years. I'd like for you to amplify a little bit more on that if you would, and anyone else on the panel. But first, a specific question on that. When you talk about aging out, and we're talking also 14– and 15–year–olds being tried as adults for violent crimes, it's more likely in the future we're going to have younger people who theoretically age out. So I guess what I'm asking you, after that "second strike," and you've got a violent offender, maybe the sexual, whatever, and they're in their forty's, do you really think they've aged out of that? If you could comment on that, and then just that "two strike" and parole provision, in general.

**DISTRICT ATTORNEY FOX:** I just looked at just the data. Just the report of the Attorney General on crime statistics, and the numbers that I gave you as percentages, if you want numbers, were the numbers that I took directly out of that manual, out of that report from the Attorney General of the crime statistics. And, basically, yes, what I'm saying is that when people reach, I guess the age of around forty–nine, after that point, that those people were significantly less involved in the crime statistics than, say, the people much younger. In fact, the group that was most active in both those categories, were the youth between the ages of nineteen and about twenty–nine. That group between the ages of about nineteen and twenty–nine had in, not only in the murder statistics, but also in the rate statistics, the highest involvement of all the age spectrum. So, yes, what I'm saying is if you just look at the numbers, if you just look at the Attorney General's Report on Crime Statistics over the last several years, you will see glaringly that the people who are most involved

are in that younger age group and that they fall off significantly as they get in the age range of fifty, and if you age them out at that point, then you don't need to incarcerate them for the rest of their lives, is what I guess I'm saying.

**SENATOR KINCAID:** Thank you, Mr. Chairman. I'd like to direct a question probably to Mr. Gilchrist, because I know him. Mr. Gilchrist, the Governor has stated in his numerous messages that we have problems and breakdowns in the courts, to a degree, and today we heard that Mike Edney, the County Commissioner from Henderson County, said the said thing, and I've heard it back in my District. Now, I'm a layman and obviously, I don't go to court. Hopefully I'll never have to go to court. But I keep hearing that we have a breakdown in the Courts, and I don't know whether to ask you guys this, or the Judges coming up next. I've heard people say maybe we need to start working forty hours a week in our courts, or something like that. As a layman asking you this question, and as a Senator, give us an example of one thing that we can do to correct the court system?

**DISTRICT ATTORNEY GILCHRIST:** I'll go back, and I don't want to sound like a broken record, but the Courts are big business, just like law enforcement is big business, and just like corrections is big business. If you tried to run your business with the information that we have to run these various agencies, you'd be bankrupt.
**SENATOR KINCAID:** So that would be your Number 1 item?
**DISTRICT ATTORNEY GILCHRIST:** Well, I'm interested, I supervise, I am responsible for thirty lawyers working for me. And I want to know how many cases they dispose of. I want to know what they do with them. I want to know what they're charged with. I want to know what they ultimately end up pleading guilty to. I want to know what their conviction rates are. And I want to know whether they're following policies that I set out. We need some way that we can measure productivity of people who work for us. We've got a system that was never designed to do that. Now, if you ran six 7–11 stores, you'd like to be able to know what the sales in each one of those were, you'd want to know what the sales are in the aggregate and what the expenses are to run these things. And they are similar problems. My lawyers carry inventories. I want to know who's got cases that have not been tried, that are old. I want to know who's got cases that are in jail that we need to be pushing along. The Legislature requires that we give preferential treatment to trying cases that have child sex assault victims. I need to be able to know that in order to operate, and that sort of information is not available.

**SENATOR BASNIGHT:** Peter, we have to have that information. We've heard that loud and clear. Unless you've got a real trying question that has to be asked now, let's move along.

**SENATOR MARTIN OF PITT:** I've got one question, and anybody on the panel, or all of you can answer it. Three parts. What percentage of your cases are related to drugs, other than alcohol? What percentage of your cases are related to alcohol? And of your total cases, what per cent would be related to drugs or alcohol?
**DISTRICT ATTORNEY GILCHRIST:** The court doesn't collect that information. We had in our homicides, about slightly over fifty percent (50%) of the homicides in our county were directly related to drugs, according to the police reports. Alcohol, I don't know.
**SENATOR BASNIGHT:** We're going to ask that one of our Select Committee, the appropriate one, as needed ...(inaudible)....maybe all three have you back again for individual ...(inaudible)...and you can answer their questions. Thank you very, very much.
**SENATOR DANIEL:** Mr. *Pro Tem*, can we go immediately into the Judges?
**SENATOR BASNIGHT:** We're going to the Judges now. (conversation)

**PANEL**
**of**
**JUDGES**

1. **Judge Henry L. Stevens, III, is the Senior Resident Superior Court Judge for the 4th–A Judicial District (Kenansville) and is President of the North Carolina Conference of Superior Court Judges.**
2. **Judge Robert H. Hobgood is the Senior Resident Superior Court Judge for the 9th Judicial District (Louisburg).**
3. **Judge Robert L. Farmer is the Senior Resident Superior Court Judge for the 10th Judicial District (Wake County).**
4. **Judge Thomas S. Watts is the Senior Resident Superior Court Judge for the 1st Judicial District (Elizabeth City).**
5. **Judge Douglas W. Albright is the Senior Resident Superior Court Judge for the 18th Judicial District (Guilford County).**
6. **Judge Thomas W. Ross is a Resident Superior Court Judge for the 18th Judicial District (Guilford County), and Chairman of the North Carolina Sentencing and Policy Advisory Commission.**
7. **Judge Jacqueline Morris–Goodson is the Chief District Court Judge for the 5th Judicial District (Wilmington).**
8. **Judge E. Burt Aycock, Jr., is the Chief District Court Judge for the 3rd Judicial District (Greenville).**

**SENATOR BASNIGHT**: Will the Senators please have their seats. Our distinguished Judges from North Carolina across our State have said that if we don't get going, you're going to have to take them out to eat tonight. We might do it anyhow! Thank you so very much for coming. We've had lively debate and some wonderful comments and proposals and recommendations up to now and just to sort of lay out our game plan a little bit, if you could hold your comments to a couple of minutes, or three minutes, I know that's difficult sometimes, but it will give us a chance to question you, and you answer in return. And that seems to give us a great deal of value, as you saw with the D.A.s earlier. But on behalf of this Body, we do, sincerely, thank you for being here. And Judge Stevens, you've probably been around a little bit longer than some of the other members, and if you don't mind, I'll start with you and let you speak to us, and as we go through, we might have some interruptions on questions, but we'll try to finish all the speakers first.

**REMARKS BY JUDGE HENRY L. STEVENS III**
**Senior Resident Superior Court Judge**
**Judicial District 4–A**
**and**
**President of the North Carolina Conference of Superior Court Judges**

Thank you, Mr. President, I haven't been around as long as some of these Judges—Judge Albright, Judge Ross, and some others here. But I've been here long enough I got sixteen or seventeen years of Superior Court business with twenty–six years of law before that is long enough for anybody.

**SENATOR BASNIGHT**: ...good Judge from Dare County told me you'd been around ...(inaudible)
**JUDGE STEVENS**: Yeah, I know. You don't want to tell every damn thing you know! 'Scuse me, Mr. President. (laughter)

Mr. President, if you don't mind, I'm going to deviate for a moment, with the consent of this august Body itself. I want to leave the criminal justice system here alone for these other Judges, or some of them, for a moment, and what I would like to talk to you, with your permission, about for just a moment is the selection of alternative plans, if any, for

Superior Court judges. That is a problem that we now have that I'm sure that all of you are familiar with. That the federal courts have intervened, and we'll talk about that in a minute, and the time–honored tradition of the law of North Carolina of electing its Superior Court judges by state–wide election was declared unconstitutional on the District Court level, and now that they pass out judges by its edict of running in their own districts, be elected in their districts. Of course, I would like to just briefly, if you would, Mr. President and ladies and gentlemen, let me talk to you shortly about this.

You know, I never could use one of these things [referring to microphone] in the courtroom, but I'm going to try here.

First is that after the decision came down, United States District Judge ruled that state–wide election of Superior Court Judges were unconstitutional, I, as President of the Conference of Superior Court Judges, asked some of the judges to look into it from each of the four Judicial Divisions across North Carolina. And they did, the judges of the four Divisions by separate caucus met and they tried to attempt to choose an alternative plan for selection of Superior Court judges. However, their best efforts were in vain, ladies and gentlemen, as no consensus was reached. Indeed, I would say to you that it will take time, if ever, before consensus can be achieved as the subject matter here is so very, very complex and so very delicate, and the individual judges across the State are affected differently. Therefore, as I told you, these issues are now being litigated in the United States Courts here in this State. And I told you that the United States District Court where James Fox from Wilmington recently held that the North Carolina's time–honored method of state–wide elections of Superior Court judges is unconstitutional.

Now, ladies and gentlemen, Mr. President, this is the first legal scrimmage, leaving battles to be waged, and the war of issues finally to be won or lost in the Supreme Court of the United States. Therefore, until this matter is finally laid to rest by the highest court in our land, I'm going to ask you now please, please think about it, what I have to say here, and your observations, and please do not lock yourselves in by approving any one plan before this Legislature of this General Assembly has first obtained public approval by vote of the people for a broad–based amendment that authorizes the General Assembly, you, the people that represent the folks of North Carolina, the General Assembly of North Carolina, a choice of plans from multiple options, sufficiently flexible to cover any provision incorporated in a proposed plan being considered by the Legislature.

Now, such alternative option for selecting Superior Court judges must relate to methods, any method of election that could be conceived by anybody who would bring a plan before you. In that way, the Legislature would have then have taken it to the people to put the power to do this where it ought to be, with the Legislature of North Carolina. So that you, upon looking at this matter, if the Court were to finally affirm Judge Fox, then at that time you would have to go to some alternate plan. Or you might want to consider doing it. But the Legislature needs the machinery to handle any plan that maybe come before it without having to keep going back to the people for a vote.

Now, I would suggest to you that, in considering such a plan for selecting Superior Court judges, must relate to the methods of election, ladies and gentlemen, and/or retention by judicial district, by division, by newly–created geographical areas and/or by gubernatorial or/and legislative appointment, or by combination of these possibilities.

Now, such an undertaking will, in itself, be most difficult. It's going to be tedious, it's going to be time–consuming, and it must be appealing for acceptability by the electorate. In form and in substance and if it's not, ladies and gentlemen, it won't pass and then everything that you might have done before is going to be for naught. And therefore, it's going to be a tough job. It's going to be hard, but it can be done. I have absolute confidence that this august Body and its counterpart, the House of Representatives of the good State of North Carolina, could fashion such a bill and put the power to do anything, so far as selecting judges, in the Legislature where it ought to be in the first place.

Now, therefore, I respectfully suggest that you will not consider any change in the selection process of Superior Court judges during this Special Session. You were called here for other reasons and simply do not have time to devote to this issue. Time here is not of the essence because any alternate plan that might be selected would necessarily require a constitutional amendment before it can become law, so you're talking about out in November, anyway. Now, this is to say that any affirmative act of the Legislature in this regard would be premature, or might be premature, or unnecessary. If the present ruling of the United States District Court were overturned upon appeal in a higher Court, such an outcome would be consistent, Mr. President and ladies and gentlemen, with previous rulings of the court which heretofore held that these same issues were political in nature and inappropriate for court intervention. Therefore, if this matter has been political for the last hundred or so years, it may still be political, Mr. President, and in spite of possible changes in the mores.

What I would like to say in closing here is that lasting remedies for betterment may not be determined, Mr. President and ladies and gentlemen, in haste nor for political expediency. By a quick–fix, or through a band–aid treatment, or promulgated at the expense of a frightened and disillusioned society. Please, whatever you do, do not permit any person, any firm or organization, to goad you or pressure you into doing anything that you haven't looked into well, and I know you won't, that you may later regret.

Now, I want to go on record as saying this, that these remarks that I've made, and I've cut my notes short, it's not all that I intended to say, but it's getting late and you have some other Judges that will be addressing subjects equally as important as this, and maybe more so. I want it well understood here that these remarks that I make, I do not make as the President of the North Carolina Conference of Superior Court Judges. These remarks are made by me as a concerned Superior Court—rotating Regular Superior Court Judge. Now, I will reach the age of mandatory retirement at the end of this year, and therefore have no personal ax to grind in this respect. This Body, with the House of Representatives, upon my application to some of my good friends here, almost unanimously in both Bodies, enacted a law which mandated that all judges would retire at age seventy–two. In doing so, you gave me two years, otherwise I would have been gone last year at age seventy. Thank you so very much. **[EXHIBIT E]**

**SENATOR BASNIGHT**: We look forward to getting you back, Judge. Judge Hobgood, let's sort of, sort of combine ...(inaudible)...members request that you speak to the subject that we're going to be addressing in this Session, so if you can—

**REMARKS BY THE HONORABLE ROBERT H. HOBGOOD**
**Senior Resident Superior Court Judge**
**Judicial District 9**

Yes sir, Mr. President. Can you have someone hand out this to each members present. **[EXHIBIT F]** Thank you, very much. Mr. President, Members of the Senate, I do thank you for allowing the judges to come here and speak to you. I will try to get right to the point. As you will recall, you created seven new Resident Superior Court Judgeships to be effective November of 1993. All of these judgeships are being delayed because they have not been pre–cleared by the Voting Rights Section of the United States Department of Justice. What can you do to speed up the decision–making process of the Voting Rights Section of the United States Department of Justice? Absolutely nothing. What can you do to provide the Courts of North Carolina with an adequate of Superior Court Judges in the interim?

If you'll look at this Resolution, this was a Resolution passed unanimously by the Superior Court Judges of the Second Division. You are familiar with the "whereases." I'll get right to the "now therefore."

Be it resolved by the Superior Court Judges of the Second Division of North Carolina assembled together in Hillsborough, North Carolina, on January 29, 1994, that the General Assembly of North Carolina in the forthcoming Special Session called to address crime, create seven new Special Superior Court Judgeships to take office immediately, and provide that these newly created Special Judgeships expire in four years or when the seven Superior Court Judgeships created by the 1993 Session of the General Assembly, which were to be effective November, 1993, for Judicial Districts 3–B, 9–A, 10–A, 15–A, 17–B, 20–B and 25–B, are pre–cleared by the Voting Rights Section of the United States Department of Justice, and filled by State Law, whichever is earlier.

We sincerely believe that this will give you an opportunity to have these judgeships in place. You've already paid for them, the money is there, it wouldn't cost you a penny, and we need those judgeships working for you every day in the criminal courts.

That's my report to you. I will, by addendum, state that we would appreciate any consideration you could give to us on an adjustment of salary. We feel that Virginia judges, South Carolina judges are not that much better than we are, and they sure are paid a lot more. I do thank you for letting me come here today.

**REMARKS BY THE HONORABLE ROBERT L. FARMER**
**Senior Resident Superior Court Judge**
**Judicial District 10**

Thank you. I'd like to talk about the Criminal Justice System itself, to give you my observations, what's wrong with it, and perhaps leave you with a couple of suggestions that you might want to consider. I think all of us realize that criminals that we sentence today do not stay in prison very long. One of them has told me it's like going to a basketball camp in the summer, and he enjoys it, but the problem is, he won't be there long enough for the play–offs. Now, why do we keep sending these people to prison in the first place? We send them because of punishment and because of our efforts to control crime, which includes deterrents, incapacitation, that is, removing them off the street, and rehabilitation. In my opinion, none of these purposes are realities today. They do not stay in prison long enough to accomplish even one of those purposes. I think most of us know there's a new breed of criminal working the streets today. He is very young, he is very violent, he is very impulsive, he is very likely to kill for no significant reason at all. And we all know that the teen–agers now can certainly get guns much easier than we can as adults.

Now, to make any headway, I think that we must change the attitude of these young people. They are teen–agers, and I could give you many examples of those that I've tried and I'm not going to take time to do it. But they are thirteen, fourteen, and fifteen years of age charged with murder. Hopefully, this attitude can be changed with some preventive measures, but you've got to start at an early age. As well as making them appreciate the consequences of their actions by serving the full sentence that we give to them in court. That is, when I say ten years, I would like for it to mean ten years, and not ten days.

I made the suggestion, in conclusion, in a speech to a convention in Greensboro a little over two years ago, and I'm going to make the same now. I think that we need to consider less costly detention or incarceration facilities such as interment camps and prison farms. I would like to suggest that the State go out, lease land, buy some barbed wire at the hardware store and some modular units for the criminals to stay in. I think that if our children have to go to class and study in them all day long, I think they're good enough for the criminals to sleep in at night. If they damage them, teach them how to repair them and make them repair them. And if they don't, you can enhance their sentence and send them to the big house of brick and mortar. I think we need to realize that we are sending criminals to prison and not to Grandma's house.

And, in summary, **two things** I'd like to suggest to you. **Try** to adopt some kind of programs that will help mold the attitude of our young people, to make it more positive in nature and not negative and get them off the streets and back in school where they belong. And **secondly,** make space in prison for those that deserve it, remembering that if they do all of the crime, then they should do all of the time. Thank you for inviting me.

**REMARKS BY THE HONORABLE THOMAS S. WATTS**
**Senior Resident Superior Court Judge**
**Judicial District 1**

Ladies and gentlemen of the Senate, I know my Senator from beautiful Dare County is a contractor, he's a builder and he wants to hear something constructive. I'm going to throw away all these pages I worked on Sunday afternoon at the hot computer and get down to some constructive things. Let me suggest to you some specific items that I think you should consider at this short crime session.

Senator Daniel, the first thing I'd do is take four or five of these Judges, like Doug Albright, here; I'd take four or five good defense lawyers; I'd take four or five of those D.A.s who spoke to you; I'd put them in a room together, and I would not let them come out until they have gone through Chapter 15A of the General Statutes and streamlined criminal procedure from A to Z. For example, why do we arraign people? I spend a half a day every week arraigning people. Why not afford them their Constitutional presumption of innocence and assume that they're going to plead "not guilty." That's what they do, anyhow. Why are we wasting that half a day to do that sort of thing? Why not put some burden on the criminal accused to come in himself and seek a court–appointed attorney? If he wants one, let him come ask for it instead of us having to go find him, run him down, track him down, and have him in court two or three times in order to process him for that?

There are things we can do. There are ways to process capital cases through the Supreme Court. Senator Basnight, I tried a case in Gates County where I'm supposed to be holding court today, tried a case in Gates County, started tax day, April 15, 1991. It took us two weeks to try the most brutal double homicide of two Vietnamese immigrant ladies you have ever heard, brutal rape, robbery double homicide. Senator Ballance, there were nine, 'scuse me, there were eleven minority members of that jury; took them fifty minutes to bring back all the guilty verdicts, took them an hour and five minutes to bring back the two death penalties, less than two weeks to try the case. The court reporter had the transcript of the record finished before May, because I saw it. She was a young lady from Dare County, Marc, she knew what she was doing and she worked hard at it. That case was never even argued in our Supreme Court, and don't ask me why. I don't know who got it continued, whether it was the Appellate Defender or whether it was the Attorney General. But the case was not argued until March 13 of last year, 1993. Well, you say, that's eleven months ago. The case is resolved now. We're still waiting on the opinion, folks. And the young man is still sitting on death row at however many dollars a day, not knowing his fate. The victims don't know the fate, the families don't know the fate, and that's the reason people say our system is broken, and broken badly.

Okay, what else can we do? I seriously recommend that you give some consideration to downshifting infractions, as some of the D.A.s suggested to magistrates. But I don't suggest, if you're going to have to make the District Court a court of record, that you do anything more than put it in as a misdemeanor trial court, a true misdemeanor trial court, with a four or a six–person jury, move those misdemeanors through there, free our time from misdemeanor appeals so that we can try the vicious felons that Judge Farmer told you about, and we will not have to tear down and give away our courthouses brick–by–brick through plea bargaining. We can try the cases at the Superior Court level if we don't have the misdemeanor appeals to deal with.

And, Senator Ballance, this is the most important thing that I think you can do. I think you can mandate, you can require Franklin Freeman and his Department of Corrections to provide meaningful—meaningful drug abuse and alcohol abuse programs to every inmate who comes in their front door. Not just the twenty–five beds at this DART Program and the thirty–two beds at some other DART Program in Wilmington. You can require some meaningful substance abuse (treatment)—the question was asked earlier by a Senator over here—how many substance and drug abuse people, how many are involved? Ninety–seven percent, I'll guarantee you. I see them. I hear the lawyers talk about, my man being drunk, my man being strung out, that's all that you hear. And if they weren't on the drug at the time, they were committing the crime in order to get money to buy alcohol or drugs.

We also need to take those inmates and give them some remedial education skills. Basic reading and 'riting and 'rithmetic. Make them sit in the classroom. If they don't do the homework, there's ways to punish them in prison. We need to get away from what I used to call the "Lee Bounds School of Corrections," which is be nice to everybody so they won't maybe riot on us. We need to get away from that concept of corrections in North Carolina, and we need to do it for every inmate that admitted to our prison. And please continue to give us the necessary resources and prison capacity, as you have made a wonderful start. Give us those necessary resources so that our penal judgments can serve as a meaningful deterrent.

We get laughed at, folks, we get laughed at, you know. General Statute 15A–1341(c), and I'm going to be very specific on this one, Senator Sands, says that any defendant can always elect to give up community alternatives to incarceration and elect to serve his time. They do it routinely. People stand up in the courtroom and say, "Judge, I don't want that probation sentence, I don't want to pay restitution to the lady whose home was broken into; I don't want to go to mental health and get alcohol abuse treatment. I want to take my time." Because the folks on the street corners know that a two–year misdemeanor sentence means about twelve (12) days. It means that if you're out in the far east, if you're in Dare County, Marc, it means that DOC bought a fax machine for Sheriff Bert Austin so they can fax the papers up there and back and they don't even have to tote 'em to Raleigh for processing.

If, ladies and gentlemen, without the back end of the system, without space in our prisons, nothing works. That's the gasoline, that's the catalyst that makes the formula work. We've got to have that. You're making a start, you're making a good start. I urge you to please continue with that. (applause)

**REMARKS BY THE HONORABLE DOUGLAS W. ALBRIGHT**
**Senior Resident Superior Court Judge**
**Judicial District 18**

Thank you, Mr. President *Pro Tem*. Ladies and gentlemen of the Senate, from the bottom of my heart, thank you for this extraordinary courtesy that you've extended. It's unprecedented certainly, in my recollection, and I appreciate it. Hopefully, I'll say something worth a toot.

I want to talk to you briefly about longer sentences for violent criminals. If I run out of time, I will invite questions about expanding the DART Program and speaking to you about the ways that maybe we can make our court system a little more efficient and a little better. But I come to you with a heavy heart on the issue of criminal punishment or lack of it and its negative impact on criminal justice deterrent. I have been around awhile. I've had the blessing to serve as Superior Court Judge since '75 and had the opportunity to prosecute the criminal docket before that, and I never, never in all my years have been so demoralized and dismayed and sorely troubled as what we find ourselves in the present circumstances. It's intolerable. Light sentencing and quick release policies have brought

this State to near disaster. I don't have to tell you the crime rate's soaring. I don't have to tell you the citizenry is at risk, you've heard that from a lot more eloquent witnesses than I am. But it breaks my heart to see the edicts of our Courts ignored and our judgments nullified in the criminal court and the Superior Court of our great State made a laughing stock.

Fear of judgment is not before the eyes of the serious offenders, and with due respect, I say to you that justice is mocked daily. So eager are these defendants to take advantage of the quick–out prison time that I can't give away split sentence probation programs designed to rehabilitate. They want that quick time. And I echo my learned colleague from the East, in warning you of the dire consequences that we're confronted with when you can't give away probation. Dangerous felons are having a field day at the expense of the law–abiding. You know, it would be a joke but for the fact that our citizens are getting hurt and injured and harmed because of it.

Now, why do I trouble you with this? Why do I come to you with this? I come to you because, in great measure, sentencing is moving away from the judge in the courtroom, and is moving here in the legislative halls. Punishment, in great measure, and hear me carefully on this, punishment in great measure is now going to be set here. The judgment in some fashion is going to be written here, in these hallowed halls. You have the control now. You are the fountain from which all power on the issue of punishment, for all intents and purposes, will flow. You will guide my hand. I will do and be able to do only what you allow me to do. And I call upon you in utmost sincerity, do not send me out disarmed in the face of atrocious felonies, or manifestly wicked deeds, unable to bring to bear the full measure of public justice for which such heinous atrocities and terrible crimes cry out. Let me say to you that punishment must fit the crime. Serious, violent offenses cry out for substantial punishment. Wanton violence calls for strong measures. Malignant hearts deserve justice's full force. Our abhorrence of the criminal act and the harm that flows from it is reflected in the punishment we attach to that violation. That punishment that you, the Legislature, sets sends a message of how seriously we, as a people, regard that offense. And while each of us, I think would agree that it is injustice to sentence too harshly. Similarly, it is unjust to sentence too lightly. Moreover, it is plain foolish. If the sentence is too light, it trivializes the offense. It unduly depreciates the serious nature of the offense and brings the law and the court into disrepute. I simply implore you to secure the same measure of public justice for the fallen victim who cries out for redress than you would for one of your own laid waste. Walk a mile in their shoes. Don't cut your punishment level so light that your judges can't adequately deal with the bad cases.

I would urge you to make North Carolina hostile territory for dangerous felons and not a safe haven. I urge you to put strength in this hand, and not weakness. Don't command us to make bricks without straw. I urge you to empower us to do what is right, and empower us to strike a judgment that vindicates the law and punishes lawlessness to the full extent. The victim, the victim of crime who also is entitled to some small measure of due process and justice, must leave the courthouse with the firm conviction that right has prevailed and that the honor has been vindicated and justice done and he cannot do this, or she cannot do this, when the sentence is so light as to be the object of scorn and ridicule. Let your sentences be such as to discourage and not encourage crime. Otherwise the law has failed of its purpose.

It is a time for resolve. It is a time for strength. It is a time for stiffened resistance to criminal tyranny. When the blood flows, we don't send to ask whether its Democratic blood or Republican blood. It is the blood of all of us that flows. If you don't get it right, and I don't get it right at the courthouse, some innocent, unsuspecting North Carolinian will die, where he should have lived. Somebody will suffer pain and suffering who otherwise should have been whole. That's how important the issue is. For now, as you move into sentencing, you will carry the same burden and the same nightmare that I have that I haven't gotten it right and somebody's fallen because of it.

To whom shall our people turn? They turn to you. The blood of the innocents is on your threshold. At this time the whole fabric, that's how important it is, the whole fabric of our criminal justice deterrent is on the line. In the name of God, I come here tonight from Wilkes to urge you to protect our people.

**SENATOR BASNIGHT:** Thank you, Judge. Tom, we appreciate all of you...(inaudible)...

**REMARKS BY THE HONORABLE THOMAS W. ROSS**
**Resident Superior Court Judge**
**Judicial District 18**
**and**
**Chairman of the North Carolina Sentencing and Policy Advisory Commission**

Thank you. Let me say to start that I'm privileged to come from Guilford County, and I'm privileged to serve with Judge Albright. I can't say that I'm privileged to follow him, because it's a tough act to follow. He speaks eloquently and well about many of the problems that we face.

There are a couple of things I want to say. I want to talk just briefly about corrections and sentencing. I want to touch briefly on a couple of court reform issues, and finally just look a little bit to the future of North Carolina's judiciary and what we face, and how we feel. And let me start out by saying that you've heard already a number of my colleagues express the crisis that we're in, and you heard me down here last year till you were probably sick of it, talking about that very crisis. And I want to say to you that I congratulate you for accomplishing a great deal toward beginning to address many of the concerns that have been expressed.

First, as Judge Farmer said, it's very important that the person serves the time that they're given. Whatever time that is. We differ sometimes on how much that oughta be, but we oughta tell the truth about the sentence to be served. And I think that the structured sentencing legislation has done that.

And let me say why again that I think that is so incredibly important. And that is that the public has lost faith in what we're doing. And if we're not willing to tell them the truth, they'll never have faith again. And if we want our system to mean something, of all the places where the truth ought to be told, it's in the courtroom.

Further, I think that you deserve a great deal of credit for beginning to deal with violent felons. Many people don't know that the sentences to be served under structured sentencing for violent felons are significantly longer. The time served is significantly longer than what people are now doing in prison. And I applaud you for that. All of us, I think, agree that the most violent, the most dangerous offenders need stiff, serious punishment. We're moving in that direction. I would say to you, however, that there are thousands upon thousands more offenders in the system that also need our attention, and I urge you not to forget that. Not to forget that the legislation that you have passed demands significant funding to be addressed at punishments for many non–violent offenders. And treatment programs, for many who need those treatment programs, both in and out of prison, and I echo what Judge Albright said about the DART Program, an excellent program that deserves your attention.

I think, however, it is incumbent upon me to say—if ever we've learned a lesson in our State in the past, surely we have learned that whatever policy we set, you set, since you're the policymakers, not the judges, whatever policy you set must be backed up by resources or it will not be truthful. So, ever how tough you want to be, I support you. But be sure the resources are there to match it, or it won't do the job. For all the offenders that we know need treatment, need intermediate sanctions, the resources have to be there. They can't all be directed in one way or the other. A balanced approach is required if we're going to be successful in addressing the problems that we face.

Let me move quickly to a couple of items of court reform. Our courts, despite sometimes the rumors that are heard about these halls, work hard, and I challenge you to go with your Resident Superior Court judges, or your District Court judges into court and see how the courts work, see the hours that are put in, both in and out of court, on and off the bench, dispensing justice in this State. Go to District Court where the criminal dockets run till 6:00, 7:00, 8:00, 9:00 at night sometimes and I think you'll find there's a lot of hard good work being done in our court systems. And those of us involved in that system are proud of the work that we do.

There are some things, however, that we can do better. Judge Watts says let's do something about arraignment. He's right. We ought to be able to establish some basic rules about time frames for the filing of motions, and that's really the only purpose arraignment has. And not have to go through that farce of calling arraignment calendars every Monday in criminal court. Further, we can do some things—I know, criminal calendaring is a problem for some people. That can be worked out. Rules can be developed that will solve that problem, without necessarily transferring the authority from one place to another. But I think it does need some attention. Indigency screening. We spend a fortune on indigency counsel in North Carolina. Something we've got to spend money on, it's necessary and appropriate. But we can do a better job of screening who needs counsel. We have a pretrial screening program in Guilford County that helps us decide who oughta be in jail and who isn't. Helps us manage our jail population. There's an avenue by which indigency screening could be done, and done effectively. I want to thank you for your support of video arraignment proceedings last Session. We have our video arraignment in Guilford County up and operating. We're going to cut down on escapes because we're not going to be moving prisoners around. I also think we'll save money, by the way, but even if we don't, we're going to make our County safer through the use of that and it wouldn't have been possible without your action last year.

Finally, I want to address the issue of how to make more time in Court. I just echoed Judge Watts' comments. I think if it can be worked out without great cost to District Attorneys, I think it's perfectly appropriate to move infractions to the magistrate court. That'll cost some money, you'll have to enhance magistrates, but probably that's less expensive than enhancing other areas of the court system. But I think it's a mistake to further mix the jurisdiction of the Superior and the District Courts. Let me say, in District Court right now, many of you may not know that, whatever judgment is imposed by the two distinguished members of the judiciary to my left, whatever judgment they impose can immediately be appealed with Superior Court. There's no need for that. Their judgments ought to be final. They are extremely competent, able members of the judiciary. There's no reason why they shouldn't be able to render final judgment in District Court, after the appropriate right–of–jury trial. Certainly, when somebody pleads guilty in front of them, there shouldn't be a mechanism to appeal for a jury trial in Superior Court. Certainly, if they revoke somebody's probation in District Court, there shouldn't be an appeal of that to Superior Court. If I revoke a felon's probation in Superior Court, they can't appeal to some other Court, except the Court of Appeals, and that's not for a new hearing. There are some areas where Court reform can be effectively managed without further mixing of jurisdiction.

Finally, I want to conclude by just asking you to think about the future of your courts. The morale is not good. I think I can say that safely. I talk to enough of my colleagues

regularly enough to know that morale is not good. We are the last part of government to receive technology. We are, as Peter Gilchrist said, we are so far behind the rest of society in what's going on with technology, it's hard to even imagine. I've been on the bench ten years and I've been here long enough so I could see the coming of push–button phones to the court system. They're not quite here everywhere. Go down to Troy, you'll still find they got a dial phone. So we're a little behind in technology, and we need some help. We need some help desperately. We're dealing with huge volumes of people, and there's very little way for us to manage that information.

Judge Stevens spoke about judicial selection. It is important to have a judiciary that is independent, that has a level of security that will attract good, competent high quality lawyers to the bench without fear of being beaten at the next election and losing all their law practice and having to go start over at age forty–five or forty–six, with children in college. It is important to compensate the judiciary in a way that is befitting of a third branch of government that works hard every day and, frankly, compared to many other aspects of government, come to my county and see where I rank in pay compared to my County Manager, or my School Board Superintendent, or the Vice Chancellor at my University branch, not to mention the Chancellor. Or many others in government, and I'm not saying they don't deserve the pay they get, but look at the comparison.

Finally, I'll conclude by saying that our system is complex. There are lots of problems, lots of difficulties. There are lots of strengths, lots of positives. But there are no simple solutions, there are no free solutions. And I urge you to remember that as you debate the issues before you. Thank you for the opportunity to be here.

**REMARKS BY THE HONORABLE JACQUELINE MORRIS–GOODSON**
**Chief District Court Judge**
**Judicial District 5**

First, let me thank Senator Basnight and each of you for the opportunity to appear before you today. I am honored. On behalf of our President of the North Carolina Association of District Court Judges, John Smith, he has asked me to please thank you for all that you have done for the District Court judges and all that he is sure you will do for us in the future.

I want to also say to you that the four issues about which I speak are not issues that I take a position on, but they are issues that I know are going to come before you, and I want to ask you to at least consider the remarks that I make today. I know that one of the considerations which you will be making is whether or not you will move the H, I, J felonies to District Court. And we, as I said, I have no opinion as to whether you should or should not do that. If you do, in fact, move them to District Court, the District Court judges will work hard to make sure that that is taken care of. But what we do ask is that if you do send the H, I, and J felonies to the District Court, that you give us the resources to work with. We will then become a court of record for those felonies and, as such, we will need additional court reporters, more court recordation equipment, we will need additional court personnel for clerks, we will also need additional courtrooms, and this may be very important in the rural areas of our State. So we ask that if you, in fact, decide to make that move, that you please make sure that we have the resources to do the job that you have given to us.

We know that you will be looking at the movement of infractions to a magistrates court. We ask that if, when I say—if guess I'm so used to talking about the judiciary and our judges as we—that I ask that when you think about the movement of the infractions to the magistrates court, that we think about who we are going to ask to hear these cases. We need to look at the educational requirements. At this point, it appears as though we're looking at utilizing magistrates that we already have, and so we certainly would ask that

you look at the fact that they have no law degree, or that there is no disciplinary function available at this time, and that we look at those matters as we begin to look at whether or not you will move these cases to the magistrates court. Insurance consequences are very great for traffic offenses, so certainly we need to have people prepared in order to do that job.

In the juvenile area, by the time, we are the court of jurisdiction for juvenile court, and by the time that we are getting these young people, many of them are in open rebellion against all authority. We ask that you give us some means to detain them. You have basically taken away the opportunity that we have to say to young people when they come to us, that the court means business about what we say to you, and that we will back it up. In this area, we will also need resources. We will need the local detention centers. We will need transportation, because what is happening is that because we are running State operated detention centers, that transportation is needed to bring young people from the centers back to the courthouses for their hearings, and there is some dispute as how that will happen. In some areas the Sheriff is doing this. in some areas juvenile court counselors are doing the transportation. And we ask that you look at how that transportation is going to take place. The resources need to be put in place to be sure that we can get these young people back and forth from the detention centers. Because of the nature of the increase in violent crime for youthful offenders, we are going to need more court counselors, and we also are going to need to be able to get psychological evaluations quicker. And in order to do that, we need to have more money to be able to hire more psychiatrists, more psychologists so that we won't have a waiting list, to be able to get the psychological evaluations.

In addition, as an aside to that, we often need to look at the determination of parental rights, and to revisit the issue of whether or not the reasonable effort of the parent. We have more children now who are remaining in care for longer periods of time, and they are in and out of care for a longer period of time. And this impacts on young people. And when they have those kinds of experiences, then that can help lead them to a life of crime.

And lastly, I ask that you think about the root causes of crime. There will be a lot of discussion about the punishment and the sentencing aspects, but the root causes of crime, the fact that drugs are overtaking our communities, the last of educational skills and job skills, the lack of supervision of our children, certainly the youth programs that are successful in our State and are working should be looked at so that those kinds of activities can be put forward in other parts of our State. You give a man a fish for a day and he eats, give a man a fish and he eats for a day. You teach a man how to fish and he eats for a lifetime. We need to make sure that we're teaching the individuals who we are incarcerating that we're giving them a skill, so that when they come out they will be able to make a living and they won't return to incarceration. Thank you.

## REMARKS BY THE HONORABLE E. BURT AYCOCK, JR.
### Chief District Court Judge
### Judicial District 3

Thank you, Mr. President, Members of the Senate, and I thank you for this opportunity to share with you one District Court perspective about what you are about this session, about crime. The message of the Superior Court judges and the District Attorneys and the public is so loud and so uniform and so clear that you are very likely to answer it in some fashion, including some type of court reform.

My remarks will be brief and focused on how that might affect the District Court, and how I would ask you to consider that. Over half of the resources in District Court are already spent on criminal and traffic matters, although those matters and how we handle them probably are the least important cases that we handle. Our decisions in those cases and how we handle them has usually not much impact on society or fighting crime or

serious violent crime, and many times, not even much impact on the defendants themselves. The other aspects of District Court are primarily juvenile court, domestic court, domestic violence court, and child support matters, although they take up less than half of our resources, are more important than the other things we do. I am not qualified to suggest what categories of cases you move in or out of Superior Court, or in or out of District Court, or into magistrates or some other kind of court. I do know that if you make such moves and it nets out more for us to do, then we will simply have more of those less important things to do than we already have and will adversely reflect on the cases that are important in District Court.

The things we do with regard to neglected dependent and abused children, four or five different types of child support court, emergency domestic violence orders and the hearings on those cases, and other matters affecting the children and the families are what we are really about in District Court. I would urge you simply, when you enact any reforms, to carefully measure the net effect on the resources that are left for us to deal with these matters in the District Court. It would be unfortunate, indeed, if, in an effort to curtail violent crime, we curtailed the Court's ability to deal with families and children and family values, which, if we don't have, we simply can't live together without crime and without violence. Thank you.

**SENATOR BASNIGHT**: Thank all of you. Questions?

**SENATOR BLACKMON**: Thank you, Mr. President. Question for anyone that wants to answer this. With respect to reform on appeals, I read an article about the North Carolina Supreme Court that says this Court has reversed capital verdicts in over 90 percent of the decisions of the last several years. Now that 90 percent may be a high figure or a low figure, but even it it's 20 percent incorrect, why is this? Because the public doesn't discriminate between Supreme Court Judges, District Court, Superior Court, they package you folks in one package and when we see things out in the world that says that these things keep coming back and we keep trying the same criminals for that very act, that we have to pay for as taxpayers, we, frankly, don't like that and I'd like to know what you can do to help us in that case? Thank you.

**JUDGE ROSS:** I'll be glad to address just briefly part of it, and that is to say that a significant number of cases recently in the last three or four years were reversed as a result of an opinion by the United States Supreme Court that had nothing to do with anything other than the way we instructed the jury, which we'd been doing for years, but the U. S. Supreme Court changed the law and said you couldn't do it anymore and sent back a whole flock of cases for resentencing—eighty–some–odd cases, Judge Watts said, and I think he's right. Which is a significant percentage of the death penalty cases. It was almost everybody on death row at the time. So that's probably one of the reasons that those so–called reversals are way up there is because of something the U. S. Supreme Court did. Which we don't have much control over down here.

**JUDGE ALBRIGHT**: Let me give you another example. The United States Supreme Court has found fault with the definition of "reasonable doubt" in criminal instructions. For years in North Carolina we followed Judge Bone's great instructions in *State v. Hammond*. It was upheld for years. Been the law, known no other law in my lifetime, and now a "reasonable doubt" instruction error is going to send a whole raft of further cases back. That's just another example of what you got. It's flowing out of Washington. We just march along, do the best we can and pray for a miracle.

**SENATOR BASNIGHT:** We don't like it either.

**SENATOR PERDUE**: Thank you, Mr. President, too. First of all, Burt, Judge Aycock, in talking about District Court and the issues that are most important, the juvenile neglect, the domestic cases, the family issues. I've heard you mention at times the family court. Is there any type of leaning among the District Court bench about dedicating certain of our judges to a family court and recognizing that families might need services after five in the evenings, and on Saturday mornings.

**JUDGE AYCOCK**: There's not a lot of discussion about it. The Judges in our District are available twenty–four hours a day, and occasionally we are called on, although there are other agencies that handle most after–hours emergencies. I suggested the possibility of a family court to several people recently, particularly if court reform involves putting a lot of new things within the jurisdiction of the District Court that might dilute our resources and make it more difficult to deal with family matters and children's matters. The suggestion I heard most often was that, "Well, can't the Chief District Court Judge simply assign the time and the judges he or she wants to assign to family court type matters?" and that's certainly what we do now. If we get a lot more competition, though, for other types of matters, a family court might be a way to give us the resources that we need on a regular basis without having to discriminate about which courtroom are you going to use for criminal today, or would you rather use it for juvenile and cancel half of the District Court. It might be better to have strictly a family court, if we get much more competition from other types of criminal work.

**SENATOR PERDUE**: Thank you. Judge Farmer, when you were making your presentation, you spoke twice about attitude. You said that we have to change the attitudes of our kids, and then at the end of your comments, you talked about our charge—that we needed to develop programs which would mold attitude. In your tenure on the bench and in your experience, do you have some specific suggestions to us as to how a legislative body create attitudinal change among the youths and parents of this State?

**JUDGE FARMER**: It's a very difficult thing to do. It's a good question. Let me give you an example that it's hard for us to do to try to correct attitudes in court. In the last month or two, I had two 15–year–old females before me charged with selling cocaine. They make a net profit of around $1800 per week. That's about $93,000 a year tax–free. They don't go to school, they just stand on the corner and sell cocaine. And I'm supposed to tell them, "What you need to do is to go back to school, and go get you a good job." And they're going to tell me, "Look, mister, I earn more money than you do. You need to go talk to somebody else, and not me." And they don't mind going to prison. It's very difficult for us to do anything about their attitudes.

But you ought to come into court and see the attitudes of these young teen–agers today. Those 14–year–olds that I've had to sentence for little things like getting short–changed $2.00 on a cocaine sale; getting a $20 counterfeit bill for cocaine. Even had one charged with murder because someone told a third person that he wet his bed at night. Now these are real big reasons to go out and kill people.

I don't know where you start, but I think you got to go back to when they're real young and get 'em off the street. I don't know how you can get 'em off the streets, but some way we've got to get these kids off the street during the daytime and at night. Get 'em back into school. We've got areas in the larger towns here, where mothers and the children can sit out on the porch after dinner at night and they can hear gunfire three blocks down in the corner area where they're selling drugs. It's like warfare. And I don't know whether we need to get more police out on the street, and I don't know how many of you all heard the arrests out in Los Angeles after the earthquake. Before the earthquake, they were arresting around five hundred (500) people every day by the L. A. police. After the earthquake, they started arresting fifty (50). Why? Because instead of having seven or eight hundred policemen out there on the street, they called in everybody and put about 2,500 out there, plus the National Guard. Is that visibility? Do you think the crime went down? It did. So, I don't know how to handle the attitude problem, but it's got to be changed or we're in bad trouble.

**SENATOR BASNIGHT**: You work with children in juvenile court. I'm not an attorney, and you can well tell that. Solutions, what do you recommend? You see the kids, probably more so than some of these other distinguished judges. Is that correct?

**JUDGE MORRIS–GOODSON**: Well, I could say, I took my ex–Chief Judge—one of the things that we are able to do in our scheduling is, I scheduled myself out of juvenile court because I had gotten to the point that I was so frustrated with the inability to be able to make the statements that we say to young people, to make them stick. I work a substantial amount of time there, but I also do a lot of work in the community with young people. And in response to the question, what do we do about attitudes? We have to start at a younger age. By the time we see a 13– or 14–year–old, they have already been influenced by those things of the world. It is very difficult for us to say to them, "Don't sell drugs, you know, go to McDonald's and make $4 an hour, and it is very difficult. We have got to start early enough so that it becomes part of their philosophy, so that they never get to the point of feeling like they are a drug youth, that drug selling is something that will be beneficial to them.

**SENATOR PLYLER**: It's not a question, Mr. President, but I'd just like to say to the judges here on the panel and other judges across the State, thank you for the many letters that you all have written to Governor Hunt and myself about the DART Program. I know, and I feel like many of you, and probably all of you, know that that is one of the best Programs that we have ever put in in the State of North Carolina. Costs us the least money, does the best job. The recidivism is very low, and I think that we need to expand that on, and I want to say thank you.

**SENATOR BASNIGHT:** His name is DART! He is really a supporter of that Program ...inaudible...

**JUDGE ALBRIGHT**: Yes, I just wanted to thank the Senator for his able comments. Now what I'm about to say to you comes from—I'm known as the "Mean Judge." So maybe when I tell you about the DART Program, it might carry a little bit more weight than somebody who's noted for giving away the courthouse, brick–by–brick. It's one of the finest programs. I believe in it. The success data is out there. If you want some objective data, you can find it. It's doing the job, and I would love to see the day that we could have three or four hundred beds for DART Program. If I had to take substance abuse out—if somebody wanted to know about substance abuse in the criminal calendar, drugs, alcohol, it wouldn't surprise me, in one form or another, to find it related directly or indirectly in sixty—seventy percent of the cases. In one form or another, and that might be a conservative estimate.

**SENATOR SOLES**: Thank you very much. I want to compliment all of you for coming and being very frank with us. I have noticed that some of these non–lawyers have said Bob, and Burt, and Tom. You're all "Your Honor," as far as I'm concerned. (laughter) You know, when we leave here about two weeks from now I may be sitting in front of Judge Allsbrook, or somebody else—Albright, I'm sorry—and I believe I'd go judge shopping, anyway. But what I want to know, is I'm Chairman of the Standing Interim Committee on Crime, or Co–Chairman, the Senate Chairman. And we are mandated to study the calendaring situation. I notice that Judge Ross mentioned that earlier. We've had one meeting and we're told that North Carolina is the only State in the Nation where the District Attorneys set the calendar. We had two affidavits from Superior Court, or retired Superior Court judges; Judge Collier was one, Judge Bailey was the other, that said something needed to be done and they were giving the District Attorneys a bad time about it. I'd like to hear a comment from somebody on there, if you think that the situation is fine. If it's not, what is your first suggestion, because we may very well address the subject and change it?

**JUDGE HOBGOOD**: – I'd like to respond to that.
**SENATOR SOLES:** I waited till the D.A.s left, by the way.
**JUDGE HOBGOOD:** All right. Now, I want to just give you some background.
**SENATOR BASNIGHT:** Not too much now, Bob!

**JUDGE HOBGOOD:** All right. The General Statutes provide the District Attorney shall prepare the trial. The General Statutes provide that at least one week before the beginning of any session, that the District Attorney shall file with the clerk a calendar of cases he intends to call for trial. And if you're really serious about this, you can transfer the duty to calendar criminal cases in the Superior Court from the District Attorney to the same Senior Resident Superior Court Judge in each Judicial District who has the overall responsibility for calendaring the civil cases, and raise his salary by $12,000 a year, $1,000 a month, to make him understand he's got an important job and he'll do it right. If he fails to do the administrative calendaring in a responsible manner, authorize the Chief Justice to name another Resident Superior Court Judge as the Senior Resident Superior Court Judge.

You can have the office of Senior Resident Superior Court Judge utilize computer tracking of cases to assure speedy trial settings. You can have the Administrative Officer of the Courts, or they could on their own, assign the Senior Resident Superior Court Judges to their home judicial districts at least one week each month, to monitor and supervise the setting of criminal calendars. This method would free the District Attorneys from this administrative duty. They would be able to devote more time to trial preparation. Both the District Attorney and the defense bar would know which case is the first case for trial and the order of trials. Now, this is solely my opinion, and no one else's.

**SENATOR DANIEL:** Let me ask Judge Hobgood a question, Marc. Judge Hobgood, who would do it for District Court?
**JUDGE HOBGOOD:** The Chief District Court Judge who is responsible for civil calendars could do it for the District Court. And there's also a General Statute that provides priority—I don't have it right in front of me—for the District Courts.

**SENATOR DANIEL:** And that would mean the magistrate, and magistrates now with their new found duties with infractions and other smaller cases, would calendar those cases in the magistrate level.
**JUDGE HOBGOOD:** Well, I'm not getting into that.

**SENATOR BASNIGHT:** ...inaudible...I am certain that most of you believe and feel...

**JUDGE WATTS:** Marc, I've been there, as has Judge Albright. We both were District Attorneys. Let me tell you something. The biggest headache in the criminal justice system is getting the right people in the right place at the right time, and that's called calendaring, folks. I will tell you that, personally, I left the District Attorney's Office and came up here with my knee pads on and begged Jim Hunt to appoint me as a Special Superior Court Judge just to get away from the responsibility of calendaring. So I would no longer be an administrator, and I could get back into the courtroom. It is a headache. It can be done. I agree with my good friend, Bob Hobgood, it can be shifted, and the place to shift it is logically to the Senior Resident Judge.

But if you do so, be prepared again, and I go with what was said earlier, give us the resources. Because if I'm in Wilmington holding Superior Court and I'm responsible for seven counties up in Northeastern North Carolina, two hundred twelve (212) miles away, and that's the distance from my garage to the courthouse in New Hanover County, by I–40. If I'm down there, you know, and Judge Hobgood says then have the Chief Justice appoint somebody else if I'm not doing a good job, you know, how do I know that my folks are doing a good job two hundred (200) miles away? I'm going to have to be there to supervise them. You're talking about breaking up, folks, the rotation system. And the rotation system is the—should be—the most sacred thing in our entire Superior Court Judicial System. It is the thing that has brought corruption–free, impartial, and fair justice to the people of North Carolina for more than two hundred (200) years.

**SENATOR BASNIGHT:** We are going to keep discussing...(inaudible)....

**SENATOR BALLANCE:** I want to know, I'm a little concerned here. We're hearing a lot of people talk about the victims of crime, and obviously we're all concerned about the victims. Well, here's what I'm getting at, Judges. One of you. In every criminal case I see in North Carolina, it's always State v. John Doe. Now that didn't get that way for no reason. Should we move away from that and just focus on victims? (no response) While they're thinking on that one, should we hang people at the courthouse? Would that be a deterrent?

**UNIDENTIFIED:** To them, it would be.

**JUDGE WATTS:** No, but there are a whole lot of folks out here in the communities that would recommend stocks and pillories.

**SENATOR MARSHALL:** It hasn't been mentioned in this presentation, but there will be some bills floated, the idea has been floated about life without parole. From your vantage point, is that something the State needs to enact as a mandatory part of sentencing—as a discretionary part of sentencing, is it something that should go to the jury, or is it something that should be left with the bench? I just entertain anybody's comments on it.

**JUDGE STEVENS:** Well, I'd like to say this, ma'am. Inasmuch as we are not executing, it is not a deterrent. Therefore, I would say that what I believe in capital punishment, I think some crimes are so bad, so heinous, so vile that the person who commits them forfeits his right to further exist in a decent society. But, then as trial judge, we go to these things over and over and for some reason, when they come flipping back, maybe because they don't believe in capital punishment of whatever it is. And they cost the taxpayer hundreds or thousands of millions of dollars if you multiply this thing, Frank, back to the State. Therefore, to answer the lady's question, I believe in capital punishment, but it's no deterrent unless you're going to execute. And therefore, we've got to have some kind of alternative. I would vote, yes.

**JUDGE HOBGOOD:** If you have life without parole as an alternative in a capital case, for the jury to consider, I think that would be a very good thing. If you're talking about life without parole, three strikes you're out, you're missing the point, because violent criminals run out of juice, you might say, at about forty–five years of age. And so then you've got some guy that doesn't have any violent tendency after forty–five, just on the public dole by being in prison. I'm not sure that's what you want to do.

**SENATOR CONDER:** Being a non–lawyer, help me understand how a judge has the prerogative in capital punishment when it's a law of the State of North Carolina. Did I just hear you say that how many of these other cases are remanded back down—you've got eighty–eight on death row right now? Does that go back to the federal courts?

**JUDGE ROSS:** What I was referring to was the, you know, that the facts are determined by a jury, of course, and once judgment is imposed, defendant has the right of appeal. On the appeal the court looks at, whether there was legal error or not, and the law's a changing animal that moves from place to place sometimes and we can't always pin it down. And what's happened in this area is the United States Supreme Court has continued to refine the law, and in the particular case I was referring to, found that the way we had instructed our juries previously was error. That it was prejudicial error to a defendant and violated the Constitution of the United States and required that all of those cases be sent back for a re–hearing. So, on the other hand, when it comes time to sentence in North Carolina after a trial, in a capital case, we have a second proceeding where the jury determines whether the person receives life or death. It's not left up to the judge.

**SENATOR ALLRAN:** Thank you, Mr. President. I was very impressed with what our judges had to say, and I thought aside from these really difficult questions about changing young people's attitudes in the societal questions and maybe some even some rather political questions, that you all had some very excellent ideas about what you thought we could do to cut down on the crime rate in the State of North Carolina. And my question to

you is this. A number of bills have been introduced, filed already, and a lot of other bills are being talked about. My question is, are you all monitoring what has been filed and are you going to monitor the ideas that are being talked about in this Legislature, so that your ideas, your practical ideas about what we need to do to make the court system more effective and work better, your ideas are going to be matched up with our proposals.

And I say that because I cannot imagine anything worse than this Legislature meeting for these next few weeks, or however much time it is, and then for us to leave and we have missed the opportunity to do what you folks believe we should do to make the situation better.

**JUDGE ROSS**: I would just comment a couple of things. Of course, we're all out in various parts of the State. Judge Albright was in Wilkes today; I was in Surry County, and different places holding court. So it's tough for us to be here on a daily basis monitoring things. But I would point out that the Administrative Office of the Courts is here with Jim Drennan, and I think he has a pretty good handle on how many of us feel, although there is no unanimity among every position by every judge, for sure. Also, there are a number of us that are interested in what's going on, and some of us have other roles. For example, mine with the Sentencing Commission has me down here some and we have a staff that's monitoring things, so there are avenues to get the input of judges, and I would just ask you to please let us know if we **can** help, and to let the AOC know, they'd be glad, I'm sure, to arrange to get hold of us and get us here. If we can be of help to you, we'd be anxious to do it.

**SENATOR GULLEY**: Thank you, Mr. President. I will be brief. I wanted to ask Judge Ross a question. Judge Ross, I'm grateful to the Sentencing Commission for the work that led up to the structured sentencing law and the help that you all were in that. And so I'm wondering what your response or thoughts are with at least one or maybe a couple of the revisions. We are starting to have folks suggest revisions to that. For example, I believe in the Governor's package, it says if possession of less than a gram of cocaine, or whatever, would be moved to a felony status. Other proposals might be to make all assaults on law enforcement officers, move that to a felony status. And I'd appreciate your frank assessment of those proposals and the impact on our efforts to structure sentencing.

**JUDGE ROSS**: First, with regard to the cocaine, that was not part of the Sentencing Commission's recommendation, that is, moving it down to a misdemeanor. So our recommendation had been to keep it at a felony level. Secondly, with regard to assault on law enforcement officer, we also had recommended that that be elevated to a felony in our original report. So that's where the Commission's position was with regard to those issues.

**SENATOR DANIEL**: Senator Albright, I've been in your courts many times and I know that you have had much deliberation over what we had done down here with the structured sentencing. Given the resources, if we had ample resources, since this is a resource–driven system, in our discussions, one of the main things that's bothered you about that is that some of the higher level crimes, your hands have been tied. And I know that you want to say something about that, so I think, if there were sufficient resources, how could we improve upon the steps that we have taken forward now, with structured sentencing in trying to put truth back into sentencing?

**JUDGE ALBRIGHT**: Senator, I appreciate your question. When I talk about strong medicine, I'm looking over, everybody looks over to one side of the spectrum and sees the little fellow they want to help out and take along and counsel with, and that's fine. I'm looking at the exact opposite end of it, and all I'm cautioning is, in the effort to help those on one side of the spectrum, don't overlook our obligation to bear down where strong measures are warranted on the other side. There's ten percent, or twelve percent, or fifteen out there, and figures may vary, but it'll be somewhere in that category of incorrigible, dangerous people that need to be incarcerated for just as long—you can't put them in there long enough.

If you'll see to it that I can do something with that ten or twelve or fifteen percent, I'll do anything—I'll hang by my heels from a tree and pass judgment on the rest, if that's what you think public policy requires. I'll do whatever you want me to do on the rest if you make sure that I can deal with the bad cases. And as we shift the prison population away and try to put more violent offenders in there, I think that our resources will meet our needs.

One other thing I might suggest is that you give serious consideration—nobody here would probably go along with my ideas about sentencing—but you might give some serious consideration to restoring to the level of the Sentencing Commission recommendations the cuts it will make.

**SENATOR LUCAS**: Thank you, Mr. President. This is to Judge Goodson. I have a statement here that you said relative to giving the added responsibility or responsibilities to the magistrates and you said we must look at the educational background. What are your thoughts about the educational background in terms of what level do you see the magistrates being educated and responsible for additional responsibilities?

**JUDGE MORRIS–GOODSON**: Because of the serious impact, particularly the cost of insurance that the infractions carry the traffic offenses, I think that we have to at least specially train the magistrates. I would think that there would be a level—I would leave that to you to determine what level you believe is necessary, but to be sure that we did, in fact, have a level. We might even consider having law degrees required. I'm not sure whether that's feasible or not, but if we look at the magistrates that we have now, we have to make sure that they have the special training that will be necessary to take on that responsibility.

**SENATOR LUCAS**: All right. How would you transitionalize, if that's a good word, those who are coming on and those who are already there? Would you train those on board and then require those who would begin to assume those responsibilities, to come on with additional training?

**JUDGE MORRIS–GOODSON**: The magistrates that we have now have varying levels of education. there is no requirement as to what educational level they must have. They are paid based upon the educational requirements that we give them, statutory requirements. I'm not sure, depending upon on what requirements you place upon the magistrates, if you in fact do that, we would have to probably choose between those that we have and try to train those that we already have, that we would need? because we supervise the magistrates. Chief District Court Judges that would be most ideally suited to do that.

**SENATOR LUCAS**: My last question to you is do you feel that the magistrates need to be given additional responsibilities?
**JUDGE MORRIS–GOODSON**: As a Judge, I could not answer that.
**SENATOR LUCAS**: Oh, you can't, okay.
**SENATOR BASNIGHT**: ...(inaudible)...

**JUDGE ALBRIGHT** – Senator, can I make one comment? I, again, express to you our heartfelt gratitude for this extraordinary courtesy that you've extended to the judiciary. The votes that you're going to cast and deliberations that you're going to have, will maybe be the most important this Body will ever have on the issue of criminal justice. Our thoughts and prayers are with you in your deliberations.

**JUDGE FARMER**: I want to say, on behalf of Bob Hobgood and myself, that in the many terms that we spent across the hall in the House, this is the first time this Body has ever invited us over here to speak, so we thank you, very much. (laughter)

**JUDGE WATTS**: Senator, I want to say one thing. As you deal with these very, very difficult and complex problems of crime, and as you think about your court system and as you consider restructuring and doing things within that system, as you must, and as you've been called upon to do, please do one thing. As you move with deliberation and not with haste, do not forget the other part of our court system, do not forget those civil litigants who rely upon District Court, who rely upon small claims court with magistrates, who rely upon Superior Court, sometimes with multi–million dollar cases, and the most grievous of injuries. Don't forget the civil litigants who also require the court system to settle their disputes.

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**Senator Sands offers a motion the Senate do now rise from the Committee of the Whole, without report, which motion prevails. The Chair declares the Committee of the Whole dissolved.**

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February 9, 1994 (See page 15)

**WEDNESDAY, FEBRUARY 9, 1994**
8:00 A.M.
Senator Marc Basnight
President *Pro Tempore* of the Senate
Presiding

(Following the convening of the Session and approval of the Journal—)

**SENATOR SANDS:** Mr. President.
**SENATOR BASNIGHT:** Senator Sands?
**SENATOR SANDS:** Is a motion in order to resolve into the committee of the whole appropriate at this time?

**SENATOR BASNIGHT:** First lets, we have a leave of absence from Herbert Hyde and without objection that will be granted. It is for surgical operation that is required and I don't believe that it is anything that we have to be too deeply concerned but we can certainty think about him.
**SENATOR SANDS:** Mr. President I do now move that the Senate resolve itself into the committee of the whole.
**SENATOR BASNIGHT:** Without objection, so approved.
[Senator Basnight as President *Pro Tempore* of the Senate continues to hold the gavel.]

**PANEL**
**of**
**EDUCATORS/ACADEMIC COMMUNITY**

1. **Rose Marie Lowry is President of NC and is a former Principal of Union Elementary School. She has also taught fifth grade at Pembroke Elementary School.**
2. **Linda Fisher is Principal of Ashley Elementary School in Fayetteville, N.C. She also serves as Project Administrator of Bridges II and is the former Project Administrator for Bridges.**
3. **James Cassara is a high school teacher from Asheville.**

4. **Stevens H. Clarke is a Professor of Public Law and Government at the Institute of Government in Chapel Hill.**
5. **Gary Weart is a teacher at West Charlotte High School and is Director of SAVE (Students Against Violence Everywhere).**
6. **Irving Joyner is Associate Dean and Professor of Law at the NCCU School of Law. He teaches criminal law, criminal procedure, civil rights, and trial and appellate advocacy. He also chairs the Community Outreach Committee of the NC Association of Black Lawyers.**
7. **Eddie Davis is a High School teacher in Durham at Hillside High School and also serves on the State Board of Education.**
8. **The Honorable Kenneth S. Broun is Mayor of Chapel Hill in his second term. He is also the Henry Brandis Professor of Law at UNC–Chapel Hill School of Law.**
9. **Dr. Patricia Sudderth is Principal of Gardner Elementary School in Gastonia. She has served as an educator in the North Carolina public school system for over twenty–five years.**
10. **John Nichols is the Director of Durham Academy of Medicine, Dentistry and Pharmacy's National Medical Association's Community Health Coalition Project. This organization oversees the grants for SAGE (Supporting Adolescents through Guidance and Employment) and RAPP (Reaching Adolescents Parents and Peers).**
11. **Geraldine McNeill is a teacher at Pine Forest Junior High in Fayetteville.**

**SENATOR BASNIGHT:** The members are very interested for the panelists to express their thoughts and to hear what you have to say about it. The ground rules are relatively simple. Keep your comments to a couple of minutes then we will come back to you with thought from individual members ...(inaudible)...but that didn't work very well ...(inaudible)...took most of the time and then when we had the questions from our Members we didn't have time for the questions; and the questions are probably the most important for you and I and all of us to exchange; to share those. So if you can do that you will have many opportunities in our time frame to certainly express yourself. ...(inaudible)...say what you believe needs to be done; come right out. Don't tell us what we have done in the past; tell us what we need to do in the future. Don't tell us how good we are; tell us how bad we are. Be very candid, very frank, tell us what you believe needs to be done and those changes that need to occur as we consider crime in North Carolina.

And I would also ask that you give your name and your position and what you do. That's for the record. Glad to have you and I believe we are going to start we Rosemary. Rose Marie, could you tell us a little bit about yourself, who you're with, and then tell us what we need to do.

## REMARKS BY ROSE MARIE LOWRY
### President of North Carolina Associations of Educators

Good morning, I am Rose Marie Lowry, President of the North Carolina Association of Educators. Before, I begin I would like to thank the members of the Senate for allowing me the opportunity to appear before you on this very important matter. NCAE represent more than 68,000 teachers, administrators, support personnel, and retired educators. But as I appear before you today to talk about solutions to crime particularly in the classroom, I feel as though I also represent community leaders, social workers, health–care professionals, and law enforcement personnel. I say this because just as you have taken this opportunity to listen to me and I have taken the opportunity to listen to them.

Earlier this year, NCAE invited more than fifty organizations to take part in our summit on school violence. We tried to invite representatives from every aspect of society. We had more than one hundred (100) participants ranging from community leaders like The

100 Black Men of Charlotte to the members of the North Carolina Advocacy Group, representatives from our police department, court system, social service agencies, and legislators, including Senators Beverly Perdue and Linda Gunter. And Governor Hunt participated as well. After breaking into smaller diverse groups, we asked each group to brainstorm ways to reduce school violence. By the end of the day, we were able to identify several priority items needed to reduce violence in school. You have a list of those items at your desk.

You can readily see that there is a common theme throughout these recommendations. Don't throw away the children. Invest resources into preventative programs as well as intervention programs. A "lock'em–up–and–throw–away–the–key" mentality may play well to the political polls but it is not the responsible role that we expect from our leaders. NCAE does believe that you should get tough but we also believe that you should get smart on crime. These recommendations that range from community–based services to training for all educators on multi–cultural education are smart solutions.

In NCAE's legislative program for 1994, we ask that you support us in our declaration to the public that the schools of North Carolina will be safe for their children to attend. We need for you to recall Senate Bill 880, the bill that gave school boards more flexibility in expelling students if they present a clear threat to the safety of other students and employees. We would ask that you amend that bill to pair that flexibility with alternative schools in every county so that these students are placed in a situation that provides counseling, self–esteem training and rigorous academic preparation. We do not believe that our youth should be put out on the streets but we desperately need an alternative for our classroom. We hope that these alternatives will be in both residential and nonresidential settings. These alternatives should be supported not only by the public schools but by law enforcement, social services, the health department, and the juvenile court system. If this issue is not addressed, you will lose the opportunity to say to parents—now, our schools are safe.

NCAE commends the Governor for his leadership on this issue, but there are other voices that need to be heard. While we support preventative measures to crime such as the Save our Schools middle school program and family resource centers, we do not support putting more money into building more prisons as a higher priority than public schools. Right now, North Carolina spends $32,000 per prisoner for every cell we build and $21,000 to house a prisoner a year. A current expenditure per student is only $3,000 per child per year. There is something desperately wrong with this picture. If we take the money slated for prisons and invest in our children we would significantly reduce crime in North Carolina

We must place a higher value on educating our children. It is crucial to reducing crime in this state. NCAE stands ready to offer information and support you as you deliberate our programs and funding. We know that you will legislate smart programs and we hope that you will budget for these programs with an eye on the total needs of our State. This session may have been called to deal with crime, but we trust you will always remember that it is a crime to neglect the needs of our schools and the teachers of our children. Thank you. **[EXHIBIT G]**

**REMARKS BY LINDA FISHER**
**Principal of Ashley Elementary School**
**Fayetteville, North Carolina**

Good morning Senator Basnight, ladies and gentlemen of the Senate. I am quite honored to be here. I am Linda Fisher and I'm a principal in Cumberland County. I also serve as the Project Administrator of the BRIDGES Project in the deprived areas in Cumberland County. You are going to be listening to a lot of depressing news and statistics as you begin this Special Session on crime and violence; however I come with some good news

of a program that is working in Cumberland County. A preventive program that is cost efficient. Preventive programs as you have heard for every dollar that you spent you are going to save about $7. So, I would like for you to consider putting family resources centers across the State of North Carolina as a preventive measure.

Cumberland County came about this because of a preschool task force study in Cumberland County Schools and a neighborhood that was screaming for help. Concerned citizens set to work to build a bridge of hope, and that hope was that they could reach the children before they became statistics. Sick of the downward spiral of their neighborhood it was caught in the residents rallied to the call to clean up that community. The United States Army Corps of Engineers from Fort Bragg brought in bulldozers and soldiers to clean up the lots to help the local volunteer fire department. A $50,000 North Carolina Children's Trust Fund Grant was applied for and BRIDGES was born.

BRIDGES is an acronym for building respect, independence, and development generated through extended services. It's mission is to strengthen families through positive family experiences, family education and links to community resources.

The Bonnie Doon BRIDGES Resource Center is housed in a former church building that has been remodeled and it has become the hub of positive activities in that community. Parenting classes, children's enrichment activities, family gatherings, a toy lending library, a homework haven with reference books, literacy classes, a site for community agent workshops, all of these have found their home in the family resource center.

This partnership is between the Cumberland County Schools and Headstart Program is working to reach out to the families of the Headstart children to arrange for a network of community agency support and services. One of the parents that has taking part in the program since its very beginning found out about financial aid that she could have to go to college and last semester she was listed on the Dean's list at Fayetteville State University. Other parents have received help in finding a job or have enrolled in classes to complete or further their education. Children in the neighborhood have access to Girl Scouts and Boy Scouts because of the effort of the Family Resource Coordinator. For the past two summers the Art Museum in Fayetteville has received a grant to sponsor art work at BRIDGES. An art enrichment program based at the Center providing constructive summer activities for these children. The Center has also worked with the Salvation Army to provide after school and summer programs, and has worked with the YMCA to sponsor swimming lessons.

We have sought and received grants from various foundations to provide incentive programs for the parents and the family–centered activities. When one parent was asked what has Bridges program meant to her, her reply was very simple. If you take BRIDGES away, you might as well give this neighborhood back to the drug dealers. At one time people were afraid to come out of their houses; they were afraid to have their children play outside. But now, there is a new sense of community, being taken hold here. The BRIDGES has been instrumental in getting the law enforcement to beef up patrol. A Community Watch Program has been organized. People started writing down the tags of the cars that were coming into their neighborhood to get drugs. The residents are working to regain control of their area and to make it safe for their children.

The good news about the BRIDGES Program is spreading, more and more neighborhood representatives from other parts of Cumberland County are asking, "How can we get a BRIDGES site in our community?" The Hay Branson neighborhood is another troubled area in Fayetteville. The neighborhood has been inspired by the positive changes in the Bonnie Doon area and hopes to replicate the program. Highland Presbyterian Church is doing mission work literally in its own backyard. Located in the Hay Branson community it is reaching out to serve as a catalyst for change by bringing together the people who can make a difference and people who can make the Hay Branson BRIDGES II Project

a reality. The land for the Center has been donated by the Habitat For Humanity. Clearing the lot was done by the Army Corps of Engineers. An architect has donated his time to draw up the plans. Construction for the Center will be done by the Fayetteville Technical Community College. Donations and grants for materials of the construction of the building have been received by the Department of Human Resources as well as United Way, Junior League of Fayetteville, Fayetteville Publishing Company, and numerous local businesses, civic groups, and other churches. We are already seeing seeds of hope and renewed life beginning to take shape.

One day I was visiting the site after they had started clearing it and this lady approached me, one of the neighbors, and she came up to me and she said, "What's going on here anyway?" and I said "Well, we hope that some day we are going to have a Family Resource Center here and that it's going to house preschool classes and also work with some parenting classes," and her eyes lit up and she said, "Do you think they will let me come read to the children?" She went on to tell me that she had spent thirty–eight years in this neighborhood and she had really been confined to her house, not only because of the circumstances in the neighborhood but also because of a blind son. The Family Resource Center is going to give her an opportunity to do something in her neighborhood.

I think the whole essence of BRIDGES is best summed up by Harold Hodgkinson's booklet when he talks about "beyond the schools," how schools and communities must collaborate to solve the problems facing American youth. He wrote, "Children who are hungry and insecure about their personal safety, who have limited access to decent health care, who enjoy little guidance in the matter of values and ethics, who daily try to cope with unwholesome environment, and who do not have a decent supervise place to play cannot be reached effectively by the schools." To address these problems, so that children can be able to achieve educationally, we require the committee collaboration and schools systems and a broad spectrum of government agencies that are responsible for the health and being of the children.

In closing I would like to extend to you, a personal invitation to come visit the Bonnie Doon Family Resource Center and talk with the families there. Listen to the excitement in the voices of the people who are working on the BRIDGES II project, and look into the faces of the children and find there a look of hope for a better tomorrow. Thank you for your interest in seeking solutions to the problems that threaten to destroy our communities.

**SENATOR BASNIGHT:** ...inaudible...[speaking of a ground breaking ceremony]

**SENATOR WINNER OF MECKLENBURG:** I am just curious how you funded it and how much the BRIDGES I Program cost and where the money came from?

**MS. FISHER:** We initially got a grant, $50,000 grant, from the Children's Trust Fund, is how we got it going. And that basically carried us that first year to help stock the Resource Center itself and to pay to salaries. We only have two paid personnel there, and the way the Children's' Trust Fund ran, it was $50,000, the first year, and then $30,000, and then $20,000. This is the last year. We are looking to the school system to possibly use local money to fund those two sites, I mean the two positions that are there. The school system has leased this building from a former church that was there and we are only paying a dollar a year and we just do the minimal upkeep and we have the voluntary fire department men who come out and do repairs and things like that and clean the yard. The school system pays for the water and the electricity and that's about it, for that. And the new site, we looked into the neighborhood and tried to find a building that was already existing but couldn't so that is why we're deciding to purchase one there.

Just recently, in fact, just this past week we went ahead and got incorporated and we are now BRIDGES of North Carolina, Incorporated so that we could receive non–profit organization status and therefore receive donations from other people because there's a

tremendous interest and they are folks wanting to give the money and we are trying to figure out how to route that money.

**REMARKS BY JAMES CASSARA**
**Teacher**
**Asheville, North Carolina**

Good Morning, my name is James Cassara, I am an elementary level art teacher from Asheville, North Carolina, in the Asheville City School Systems. As an elementary level teacher, I see the very young children, the ones starting at five years of age and working their way up to the fifth grade. Also, as an art teacher as opposed to being a classroom typical teacher, I see every child in this school, so I do get a wide spectrum and a wide range of ideas and input from the kids that I serve. Prior to coming here this morning, I elicited comments from several different teachers at different schools throughout the system. There was an extremely wide range of ideas as to how to deal with the violence in schools issue. But, there seem to be one rather overriding concern, and that was the prevalence of violence in the society as a whole, and how that prevalence of violence impacts upon the school system. Some of the comments that were most frequently stated had to do with the violence that we see on television, specifically "M–TV," rap music, music videos, which increasingly deal with violent issues in a very negative fashion. Guns, drugs, prostitution are often glamorized on television in ways that even the youngest children are impacted on. I'm frightened to say how much of the time the students that I serve is spent watching television and seeing just an endless variety of violence.

I also found a very chilling comment from a teacher in our school system who works at the Asheville Preschool Program, this is a highly successful program dealing with children three and four years of age, even at that young age she sees children emulating the kind of violence that they see in society. She had a very chilling story to tell me about kids who were playing with a medical kit, sort of like a nurse or doctoral type kit that kids might play with. Rather than using the syringe as a doctor might use it, they were using it to pretend they were shooting–up drugs; and these are 4–year–old children, which is just a frightening thing for me to even think of.

I realize that this body has no control over those kinds of things. You cannot legislate what is showing on television, you cannot tell kids what they can and cannot see. That's a parental role, and it should be. But what this Body can do and what I hope it will consider, is to see the school and violence issue from a slightly different slant than it's traditionally thought of.

While dealing with violent acts that occur in the schools is a highly important goal and one that certainly should be addressed, I am equally concerned about the way violence indirectly impacts upon my school. The way kids come to school dealing with a sense of fear and violence already. As I said, I serve every child in the school. It is a frightening thought to me that I have over twelve students at our school, which has about 340 students, who have a parent in jail right now. I have a custodian at our school whose brother was killed last year in a random drive–by shooting. One of my students last year, she and I were just talking informally over the lunchtime, I love to sit down and eat lunch with the kids, because I find I learn more about them then, than I do in the classroom. This was a second grader and I was asking her if anything exciting was going to be happening at her house that weekend. She told me she was real excited because her father was coming home from prison. It's a highly difficult thing for me to deal with, for me to even conceive of, coming from a society and from a place in society that doesn't have to deal with these kinds of issues. But these are the kinds of things that our kids deal with every day.

What I would like to see addressed, is an intensive counseling session, probably run by school counselors, but certainly not limited to that, helping children to deal with these

kinds of issues; helping them deal with the kind of turmoil that they face in their lives, when a parent, a family member is in jail. When a parent, a family member is directly impacted by violent crimes, children can't adequately learn, regardless of what we do in the schools, when their lives are being ripped asunder by those kinds of activities. And I would really like to see this Body perhaps address funneling some funds towards increased counseling in the schools to deal with the sort of peripheral impact that violence in our society has on our public schools. Thank you.

**SENATOR MARTIN OF GUILFORD:** I just wanted to follow up on your last point. In terms of the counseling that you mentioned, you mentioned counseling in the schools. Do you feel that the family resource center concept would be a good sound basis from which the counseling process could launch?

**MR. CASSARA:** I do. I've been sort of toying with the idea in my own mind, very informally, of something modeled after the DARE program, called CARE, Criminal Activity Resistance Education. Teaching children that there are alternatives to the kinds of violence they see on television and in the real world. And teaching them that violence does not have to impact negatively. It's going to do so, but there are ways in which they can deal with the kinds of feelings they have, ways in which they can reach out and find support from the community and I think schools need to be instrumental in that kind of support.

**SENATOR LEE:** My wife who's a member of the Chapel Hill School System and who is assigned to High School indicates that she believes some efforts need to be put into self–esteem building. She finds that much of the problems that occur in the schools are as a result of low self–esteem. I know that California sometimes back attempted to address this problem through its system. What suggestions would you have as to how we might be able to move in that direction and build this in as a part of our educational experience.

**MR. CASSARA:** Well, I agree wholeheartedly that self–esteem is a central issue to this problem and one of the things that really attracts me to the DARE program is that they deal with the issue of self–esteem, realizing that children feel good about themselves they are far less apt to become involved in activities which are self–destructive. In Asheville we have a program called the Mediation Center, which at this time is limited to adult conflicts only. But we have been seeing an increase slowly and I'd like to see it come more quickly, in peer mediation at the school level, teaching children that there are ways in which they can deal with their conflicts. Central to that is making them feel good about themselves.

**SENATOR MARTIN OF PITT:** With reference to your statement about counselors in school, I had a daughter that was working in school systems as a counselor. Don't you have psychological counseling in school now?
**MR. CASSARA:** We do have a school psychologist, who offers that kind of counseling. It's a very limited basis. I believe he's at the school one day per week. We do have a full time counselor, much of her time is taken up in what I would consider administrative issues in terms of dealing with test scores, things of that sort, sorting out information, seeing to it that children get some of the educational support services that they need and deserve. I don't see a lot emphasis on some of the psychological support services that I think also are highly important.

**SENATOR MARTIN OF PITT:** Do these not cover your problem child that you had problems with during the week, when he's there that day?
**MR. CASSARA:** They do, but when you have one councilor attending to 340 students it's really overwhelming.

**SENATOR MARTIN OF PITT:** Well— well, may I? There are not 340 kids in trouble every day.

**MR. CASSARA:** No, but there are 340 kids who potentially face the same kinds of problems that all children face. The key is not to deal with them after they are in trouble, I think the key is to deal with them before they reach that point.

**SENATOR WINNER OF BUNCOMBE:** Mr. Cassara, my wife is counselor at Esteers Elementary School and there, I don't know, the city system may be a little bit better manned, but in the county system they are averaging about six or seven, about seven hundred kids per counselor in the elementary school. If we were to fund enough counselors that the Basic Education Program called for, which if I recall correctly was 400 or 450 kids per counselor, would that be sufficient, in your opinion, to have sufficient counselors to do the kind of job that you are talking about in the schools?

**MR. CASSARA:** I'm really not certain if it would be sufficient, it would certainly be a good start. I don't want to only focus on school counselors though, I think there are training programs out there that would enable all teachers to deal with these kinds of issues for children. I really think peer mediation training, and I'm not as familiar with it as I would like to be, but from what I've read about it, it offers a real support and a real hope and I would wish that its the kind of thing that all teachers or at least a significantly greater amount could be trained in. I don't want it to be a situation where kids feel they can only go to the school counselor if they have a concern or the school counselor is the only one coming to them.

**SENATOR WINNER OF BUNCOMBE:** Don't you believe though that if the teacher has to deal with these problems that then of course that's detracting from the teachers main job of teaching.

**MR. CASSARA:** I'm not sure if you can separate the two. I think children will oftentimes feel more comfortable speaking to their own teachers than they would feel speaking to someone that they only see perhaps a little less frequently. The school counselors are wonderful, and I support them wholeheartedly, but I would like to see the kind of training that is necessary to deal with these issues spread just a little wider.

**SENATOR DANIEL:** Mr. *Pro Tempore*, I like to see if Senator Ward would yield for a question?
**SENATOR WARD:** Yes, I will.
**SENATOR DANIEL:** Senator Ward, we took up the counselor issue last year in the budget, and I remember in listening to Mr. Cassara, I don't whether the moneys that we appropriated have made it out into the hinterlands of North Carolina or not, did we not expand that budget at that time by $10 million?
**SENATOR WARD:** I believe that is correct. But we still did not grant all the—that were requested in the BEP Program.

**SENATOR DANIEL:** Follow–up. Do you remember, and I know I'm just hitting you cold on this, but I knew you'd worked so close in that area, the requests that were for last year, you say we didn't fully fund it? How close did we come to funding it?
**SENATOR WARD:** I do not recall.

**SENATOR COCHRANE:** If I may ask the gentleman. If youngsters came to school motivated to learn and with a respect for authority, would you find the need for counselors greatly diminished?
**MR. CASSARA:** If they came to school with what you just said, plus with family structures that are solidified and with the kind of support they needed at home, yes.

**SENATOR COCHRANE:** Follow–up. So, if I may, in other words, if we would get at the root cause of the family crisis, we would in fact impact what you are trying to solve once they get to school.
**MR. CASSARA:** You wouldn't be playing catch–up is what I would think.

**REMARKS BY STEVE CLARKE**
**Institute of Government**
**University of North Carolina at Chapel Hill**

I'm Steve Clarke with the Institute of Government at UNC. The Institute is non–partisan and does not advocate policy. We try to provide information—you can't hear me? Okay, I'll use the mike. The Institute is non–partisan and does not advocate policy. We try to provide information to policymakers to help them make the best choices.

In that spirit, I have some information and suggestions for you about four things. Evaluation of crime prevention programs, violent crime rates, imprisonment and violent crime, and primary prevention of crimes. I wish I had information to give you about the effectiveness of all the programs we're using to try to reduce crime, but I don't, because there's no tradition of evaluation in North Carolina. I urge you to make it a tradition. Evaluation is part of good government. In this crime crisis, there's a need for action and a need to try new things, but it is essential to evaluate rigorously to see what works and what doesn't. If we can help you with planning or carrying out evaluations, please let me know.

Violent crime, according to police data, North Carolina's per capita rate of violent index crime has been increasing for many years, but this is not unique to North Carolina. North Carolina's violent crime rate has followed the pattern in the rest of the South and the rest of the country. Also, North Carolina's violent crime rate has stayed well below the rates for the rest of the South and the Nation since 1976 and has not increased any faster than the South's rate in terms of crimes per capita per year.

Incarceration in North Carolina from 1975 to 1992, the number of state and local jail prisoners per hundred thousand residents, increased by 58 percent. Do you think North Carolina has fewer serious violent crimes today, per capita, than it did in 1975? Then there's California, 1976, California had about 21,000 prisoners in state prisons, about the same as North Carolina has today. Thereafter, California expanded it's prisons. By 1992, state prisoners had increased to about 109,000, that is state prisoners increased by more than 400 percent, much, much faster than the resident population of California. Meanwhile, the California jail population more than doubled. Do you think California had fewer serious violent crimes in 1992 than it did in 1976? Not according to police data. Police data say California's per capita violent index crime rate nearly doubled from 1976 to 1992 during the period of rapid prison and jail expansion.

Primary prevention. In this Session you will be working on the criminal justice system, which deals with offenders after their crimes have occurred. You also may want to consider primary crime prevention, which means preventing kids from getting involved with crime in the first place. The criminal justice system is like a hospital. A hospital deals with serious illness after it has occurred and tries to keep it from recurring, but it does not attempt to prevent the illness in the first place. The criminal justice system, for the most part, responds to crime after it has occurred and tries to identify, convict, and punish the perpetrator. This is important, no doubt the system could be improved. I don't think we should ever give up on improving the criminal justice system. I have worked much of my professional life to evaluate ways of improving it. But, we really can't expect the criminal justice system to do primary prevention, because that's not what it's designed for. By the time a youngster commits his first serious crime it may be too late. So you may want to consider programs that concentrate on how kids grow up in North Carolina, and how they learn standards of conduct. Self–control, respect for themselves and others and non–violent ways of dealing with conflict. If I can help you with any of these things, let me know, and good luck in this special session.

**SENATOR JOHNSON:** One of the things that we are being told is that because we don't have enough prison space, people keep getting out, coming out and that sort of thing and,

therefore, there is no respect and, therefore, we have more crime. Do you, in your work, do you see that the failure to keep people in prison as long as they're supposed to, and that sort of thing, is the root cause of additional crime?

**MR. CLARKE:** No, certainly the problem of repeat offending is one with which we must deal, and I wouldn't ignore it. But, I'm must more concerned about the new entrants into crime every year. Something like half the people arrested for index crimes have no prior convictions, which means they're fairly new to the system. The revolving door theory really doesn't account for the new entrants into crime every year, primarily, teenage boys. And it seems to me that that we need to focus on that.

**SENATOR KERR:** Steve, over here. Is it true that 53% of admissions to prisons each year are violations of parole and probation, the terms of parole and probation? People who have been out in the committee, excuse me, in the community and have technical violations of parole and probation. Are half of the people going into prison?
**MR. CLARKE:** I don't know the exact percentage, but it's very large and growing larger, I do know that.

**SENATOR KERR:** Is there anything in any of these bills that would look at diverting some of those technical violations, people who only fail to pay the payment to the clerk on Friday and paid it on Tuesday to divert those to type of detention center which would say for a 30– or 60–day period where it would be a lot cheaper to give them one more chance than to put them back in prison? Is anything in all of this package about that, sir?
**MR. CLARKE:** That I can't tell you. I do know there is a study going on, not by me, of probation and parole violation that's increasing and we need to look at that, we need to look at the issue you mentioned. But remember the equally important goal, if not more important goal, is to keep people from committing the crime in the first place so we won't have to put them on probation or in prison.
**SENATOR KERR:** Thank you.

**SENATOR JOHNSON:** We have had previously a what we call a MAPP Program, M–A–P–P, which is where there's a contract between the prisoner and the prison system where if you meet certain goals get your GED, that sort, have a job, you can get out on a specific date, we even use that for violent offenders. It's been my, it's my information that that Program is being curtailed administratively and that sort of thing. Have you found the MAPP Program to be successful and would you recommend its continuance?
**MR. CLARKE:** This is an example of the kind of Program that we've tried in North Carolina but have never reliably evaluated and that program will be gone perhaps before we ever even test it. I'm happy to report though that the Department of Correction is looking at ways of carefully evaluating the DART Program because I've talked with their staff about it. But, I can't tell you whether that program is effective because it's never been given an chance to be evaluated rigorously.

**SENATOR JOHNSON:** Does it, is the Program a logical program that makes sense as to motivate prisoners to come back and not come, you know, not recommit crime?
**MR. CLARKE:** I don't think it has ever been that carefully defined. The central idea seems to be some sort of voluntary commitment on the part of the inmate, but I think it's not really well defined enough to pin it down and answer your question. There may be those better informed on that question though?

**SENATOR BASNIGHT:** For the panelists, I imagine many of you will be will be called back again if you don't mind coming in our Select Committee.

**SENATOR GULLEY:** Thank you, Mr. President. I also was going to ask you something about evaluation, if I could Mr. Clarke. Thank you for your comments. In your experience, is it possible for us to design evaluations to measure the effectiveness of punitive, what at least are characterized as punitive steps to take of three strikes and you're out, of five

years for possessing a fire arm, in the commission of another felony and so forth? Can we design instruments to evaluate the effectiveness of those measures as well as measuring the preventative DART Program or BRIDGES Program? Can we do both? Can it be done easily and is there time, in a what looks like a one– or two–week context or three weeks, whatever we're here, to "realishlessly" take that step.

**MR. CLARKE:** In one or two weeks, you can't design an evaluation and carry it out of any large scale program, of course. On that particular question of whether imprisonment prevents crime, I do have data and you can get data from other researchers here in the State that will bear on that question.

**SENATOR BLACKMON:** Thank you, Mr. President. Mr. Cassara you brought up a good point this morning and one I have heard from literally hundreds of teachers, and that is the question of TV–violence and where our children are exposed to it at a very young age. This year it appears to me that I believe I read that Congress would be taking up that subject and would be making some decisions on it. The teachers as a group have tremendous input and influence on laws and politicians. Now we, we know this, I know this, personally, because we hear from hundreds of teachers, especially if we get into the question of salary problems. Why is it that the teachers group has not organized as a group to go to Congress to get some changes made in the TV–violence and maybe you have done this and I don't know about it, would you please address that, if it's possible?

**MR. CASSARA:** I wouldn't presume to teach, to speak, rather, for the Teachers Association because I'm not certain what their position on this is; certainly Rose Marie would perhaps be better able to do so. I don't think there is a consensus of opinion. And this is an issue as to how directly violence in the media impacts on children that I've gone back and forth on and I'm not exactly certain how I feel on the issue. Certainly, when I turn on the television and I see repeated acts of violence one after the other, I'm horrified, but how much that impacts on children, I'm just not certain nor do I feel qualified to say so.

**SENATOR ODOM:** I want to address my comment to and couple of questions to Mr. Clarke. Mr. Clarke, I have been interested in those California statistics also, and one of the things that I wonder is how bad would they be if they had not built those prisons? And I heard you loud and clear with regards that the emphasis should be on prevention and I totally agree with you. But from your position where you sit, what would you suggest we do at this point when we're looking at releasing 3,000 people from prison in March? If we don't do something, many of those would be so–called violent offenders, many of those would be the type of person that you know good and well, statistically, within six months or twelve months will kill or seriously injure or rape or brutalize our communities. What, from your perspective, what would you say the General Assembly ought to do right now in trying to deal with what is an emergency?

**MR. CLARKE:** I can't say that, that's not my proper role. But I would point out some information on this. It sometimes it seems certain to us that certain offenders when released are going to go out and commit new crimes. Believe me, it's not. It's very difficult to predict repeat offending. And all of the systems for doing it are loaded with error, including mine, including the best ones I can come up with. So, it may seem easy to identify the so–called career criminals, believe me, it's not. That's one of the problems from a technical point of view with a career criminal strategy.

**SENATOR ODOM:** Follow–up. I was furnished within the last couple of days some additional statistics that was supposed to have been compiled from the Department of Justice, and I had not seen this before and one of the things that was interesting is that this is a imprisonment rankings between 1980 and 1991 over an 11–year–period; and what was interesting is that North Carolina ranks No. 3 in the Nation with the total crime rate. We rank No. 12th in violent crime rate. Correspondingly, we rank No. 50th, 50th, in three categories; and that is total crime imprisonment rate, that is the prison population compared

with the total crime, the violent crime imprison rate, that is the prison population compared to the violent crimes and the same with serious crimes. And then I received, I asked for some data between North Carolina and South Carolina. South Carolina, with a population of about three and a half million, about one half of North Carolina, they now have over 19,000 prison cells. North Carolina is only two or three thousand above that right now and we are trying to get it up to twenty six. If we compared ourselves to South Carolina we should have about 36,000 beds. Do you have any comment with reference to the fact that it would appear that North Carolina is way behind most states in at least trying to keep some people off our streets?

**MR. CLARKE:** That's the point their making. And I have to say first, as a statistician I don't think rankings are very helpful. I think it's much more important to keep your eye on the crime rate. During the—what I call the cap–period, which is the mid and late 80's—our prison population was one of the slowest growing in the country, although it seems to be catching up; meanwhile the prison population in the rest of the South and the rest the country increased much faster than ours did largely because of the cap. But during that period, our rate of violent index crime remained well below the rate for the rest of the South and the rest of the country and did not increase any faster in terms of violent crimes per capita per year.

**SENATOR PLEXICO:** Mr. Clarke, you talked about California again using statistics through '74 through '90 or whenever the time–period was and you were saying, I think your point was that building of more prisons wasn't the solution in California. My question is during that time were there serious preventive programs that worked there because what we're talking about doing here is a two–pronged approach, prevention and the punishment? And I'm wondering if, I realize what you said about the prisons and that didn't work, but were there serious preventive measures being tried in California at that same time?

**MR. CLARKE:** I can't tell you but I can try to find out for you.

**SENATOR BASNIGHT:** ...(inaudible)...and go back to any of the panelists, let's try to move through them.....(inaudible)...

**REMARKS BY IRVING JOYNER**
**Associate Dean and Professor of Law**
**North Carolina Central University**

Thank you, Mr. Chairman. I want to start out just commending all the comments that have been made and I endorse each and every one of them and I will just try to make some other suggestions to you for your consideration. I am Irving Joyner, I'm Associate Dean at North Carolina Central Law School and I teach criminal law over there, and when I was practicing and I still do a little bit of it, I represented people who have been charged with crime and I've represented people who have been victims of crime. And I've been a victim of crime myself.

I think that one of the things that we need to pay close attention to, particularly as it relates to minority communities is the drug problem. And that is a very serious problem. A lot of people that are in prison are there for committing crimes that are somehow drug–related, either induced or by drug addition or during the commercial aspect of distribution of drugs. I think that we need to deal with that problem, but I think we need to deal with it in a manner vastly different than what we're doing now.

First part of it, I think that we need to utilize our State agencies, our local health departments, and other local agencies to develop a concentrated campaign within our communities to identify people who are addicted to drugs and to offer to them drug detoxification counseling and treatment in those local communities. I think that the Department of Human Resources working with local agencies can do a good job if we impose upon them an affirmative responsibility to go out to do that.

In addition to that, then on the law enforcement end, our law enforcement agencies need to begin to target major and significant distributors of drugs. And get away from the wholesale arrest of what I call open–air dealers and users. While that runs the statistics up and keep a lot of people in jail, a lot of people in prison, it doesn't really reach the heart of the problem. Because unless you can disrupt the distribution network, you're never going to deal with the drug problem.

I think in addition to that we need to provide some incentives or disincentives for the marketing, trafficking in drugs. And I think that the system ought to help those people who are addicted to drugs, who want help, and one of the things we can do is by offering them additional help if they turn in those people who are selling the drugs. I particularly applaud the work of the investigative grand jury. They aren't used very often, the law permits it, but that is one way that we can—our law enforcement agencies can reach up and find out who it is that is really behind drug distribution within our communities.

I support the BRIDGES–type efforts and I think that those things ought to be replicated within our community. But I think that the Department of Crime and Crime Control, for instance, can be charged affirmatively with the obligation of cataloging all of the various programs within our State that works or in other States that work and to work with local community groups and organizations to create efforts in those communities. And I think what we need to do is go out and do some community organizing because the crime problem is really one that's fought best by residents of local communities. And until you have the community organized to go out to detect crime, to report crime, having both the ability and the willingness to do so then we're not going to really make a serious dent in the crime efforts.

So, I think that those community efforts need support but they need also technical assistance in getting going, because there are some programs, for instance, in some community or else people in some communities that would do if they knew what to do. And if someone had the responsibilities of going into those communities and presenting the programs to people—showing them how they can arrange, how they can set those up and organize them, that would help.

I support the concept of family resource centers. I think they are needed. And I think that working with the local community groups, the churches, that family resource centers can have a real impact on helping to stabilize families who are in trouble.

On the educational end, I think that mere incarceration or mere imprisonment does nothing for anyone. We need to do something with those people who are in prison. There need to be some educational programs in there; there need to be some drugs detox programs in there; there need to be some sex offender programs in there that work with the inmates who have problems and who have a desire to deal with the problem and deficiencies that they have. Right now our prisons are basically warehouses. We hold them and we let them go. And then we seem surprised when they go back out and do the same thing or commit other crimes. Unless we are in a position to provide some treatment and counseling, then we're not really going to help prisoners.

In our educational system, I think our educators should begin to teach crime prevention, crime control, drug educational programs, sex educational programs, at the elementary school level, at the junior high school level and the high school level. I don't see any reason in the world why students in the first, second, and third grade ought not learn about the dangers of crime and what they should do to prevent crime and how they can avoid crime and what the moral dilemmas facing one when you engage in crime. I think we should give that responsibility to the school. At the junior high school level, they should have classes dealing with drug education, dealing with crime education, talking about our criminal justice system and how it is designed to protect all of us. At the high school level we should do the same thing.

I think on a short–term basis we need to increase the number of judges that we have, particularly at the Superior Court level to reduce the backlog that is present now in our criminal calendars and we can do that on an emergency basis, and enact legislation that would allow for the appointment of judges for a two– or three–year period for the sole purpose of having to deal with the backlog.

And then finally, with respect to juveniles, I think that we need to really rethink how we handle juvenile offenders. And for that I think we probably need to come up with, and I hate this notion, but Steve Clarke likes it, a Commission to study our juvenile system and how we deal with juvenile offenders to see if the historic protectives that we give to juveniles is really needed or desirable at this point in our history in light of the proliferation of crime by young people and our, obviously, inability to deal with that. So, I will leave it at that.

**SENATOR BASNIGHT:** Senator Daniel.
**SENATOR DANIEL:** Good Morning Professor Joyner.
**DEAN JOYNER:** Good Morning.
**SENATOR DANIEL:** Professor Joyner, we, I hear what you are saying about increasing the judges, we made a major effort in the last General Assembly to expand our judges, I think by twenty–three in number, some eight or nine at the Superior Court level and some twelve to fifteen at the District Court level. We are still waiting for the Justice Department, at the—anyway, to pre–clear this. There was a recommendation yesterday, by some Superior Court judges that we go ahead and not circumvent the Justice Department, but go ahead and appoint some special Superior Court judges to do just exactly what you said. I think seven, since the money is already there, while again we wait on Washington to give us the go ahead. Is that sort of what you had in mind as far as when you spoke of, you know, having some emergency judges, some judges to come on–line right now?

**DEAN JOYNER:** Right, yeah, I was referring to special judges for a limited period of time, not permanent judges that would get caught up in the pre–clearance situation for the purpose of dealing with the backlog that is in our court system.

**SENATOR DANIEL:** I think that recommendation was for a period of four years or until pre–clearance takes place whichever earlier occurs. And, of course, at that time, the specials would end. Mr. President Pro Tem, may I ask another question? Senator Joyner, I also hear everybody, we're trying to go into our schools and expand that delivery service. I hear what Mr. Cassara said about we need the counseling of the problems that are put at the threshold, at the doorstep of our schools, having worked a lot in health care, in health reform. We have those problems. Now we are going to take up more time in teaching our children about how to resolve conflict and deal with the crisis of crime out in the community. Professor, when are we going to have time to teach them math and science and chemistry and some of these other things that we also need to teach them and again, I just pose that as a question because its a real problem?

**DEAN JOYNER:** Well, I was convinced, Senator Daniel, that if we don't do that, then we are going to have less time to teach them those things. Right now they are learning those things out in the street. And, unless we can develop a structure where we can give some positive feed on all these issues, then our kids are not learning in school now. Schools are places of terror. Peoples' children are afraid to go to school. So, we are going to have to develop some affirmative effort to reach them at the earliest point and then to reinforce that again and again and again so that, and I think that this is also a part of the learning. You know, in fact, somebody was telling me that you have kids out there selling drugs now that can't read and write but they knew, they know how to measure in kilograms and kilometers and most of us don't even know how to do that.

**SENATOR BASNIGHT:** Senator Cooper.

**SENATOR COOPER:** Professor Joyner. I was interested and note that you thought we needed a study committee to look at rewriting the Juvenile Code and we do have one in place that has had their first meeting and we are charged with rewriting the Juvenile Code. And you mentioned the area of confidentiality and traditionally we have protected juveniles who have been charged and there really is a shroud of secrecy over the system. But one thing that I have seen is that shroud of secrecy is preventing the kids from getting a lot of the services that are available to them because the different agencies aren't allowed to know that they have a problem. I was wondering what you thought as a law professor about the suggestions of lifting the confidentiality in the juvenile system and what kind of effect that would have?

**DEAN JOYNER:** I think given where we are today, we need to give some serious thought to that. There are a lot of kids, obviously, who are in need of counseling and treatment and until we—our system allows that to occur then that won't happen and we just we have a kind of a spiraling problem. So, personally, I would suggest—I would recommend that; that we look at that, particularly, as it relates to those people who have committed violent crimes or serious crimes. So, personally I would recommend it but I think it's something that we ought to study, because we are talking about now a philosophical change and we need to give some real scrutiny to that so that that's not a knee–jerk reaction but it's something that's well thought out and well planned exactly how we handle that.

**SENATOR RICHARDSON**: Professor Joyner, I pick you because you are a teacher and a lawyer, too. It's true that, at least, I hear it's true, that violent crimes are coming from younger and younger people committing crimes. It seems to me that what Senator Martin said the comment about family resource centers addressing the whole problem, it's been proven that people even adults and young adults that drug addicts are going to come back in the community go into the same neighborhood and hang out with the same gang, go back on recidivism—same thing with children. You can go to a counselor in a classroom in my opinion in the daytime for a hour if you want to but if he goes back in this community and his home life and see these things all night and half of the day you really haven't tackled the problem if you don't tackle it at home. So school counselors can counsel all he wants at home if he doesn't do it some with the parents and the people he runs in the neighborhood you haven't tackled the whole problem.

I see, and educators get on me about this, but I think a lot of problems in schools have been the educators problems. They have, and I don't mean beating people to death, but we've lost a lot of discipline in school and schools have clamored for more money to solve all the problems and schools can't solve all the problems. It never was designed for schools to be everything for everybody; and it seems to me that's what we're trying to do, make schools for everybody, do everything for everybody, when we need to go back into the communities and try to teach families how to discipline children before they get to school and you wouldn't have to do all that discipline in school. Am I off track by thinking like that?

**DEAN JOYNER:** No, I agree with you. I don't think that it's an either/or proposition. I think we need to work with the families to help them, but I think we also need to work with the children, because we're going to miss a lot of families. A lot of families won't come forward, those who want the help, who will come forward, we ought to be able to provide them. But we definitely ought to reach those children because with them we have a captive audience. And those kids can take something back, because one of the things that I marvel at, is that in spite of everything else that's going on, a whole lot of kids make it. A whole lot of kids survive. And a whole lot of kids become really productive citizens in spite of the fact that they live in the kind of environment that one would think would foster crime.

**SENATOR HOYLE:** Mr. President, I would like to ask this question of any member of the panel. We must have hundreds of programs for children at risk, maybe even dozens, in some of our larger counties. Does anyone know if there's ever been any attempt to coordinate these efforts or to evaluate the success of the programs? It would be helpful, I think, to this Body and to other people, non–profit corporations and all that make contributions, if we could determine what programs work and where we ought to direct our resources. Is any work being done in that area at all? Does anyone know?

**DEAN JOYNER:** I'm not familiar with any studies in terms of North Carolina that evaluate the program, I think that Steve Clark would say that that's one of the things we need to do is some wholesale evaluation of all the programs that we have going on to see exactly what is working and I would certainly commend such evaluations to this Body.

**SENATOR PERDUE:** Rose Marie, I'm going back to you, please, because I didn't know we were going to ask questions like this and it's better, thank you for changing the procedure. I was here. Rose Marie, you talked about alternative schools. There's a lot of discussion among these chambers about the critical need to put the money out there, to put the subject out there. Will you tell us as the President of the professional teachers in the State, what do you see an alternative school being? Give us a little idea of what you speak of?

**MS. LOWRY:** Well, as we talk about alternative schools, first of all, we work from the premise that we believe all students are entitled to an education. And with that we go back to the situation that we have to have students removed from schools who are committing crimes, and preventing other students, you know, from learning. Because the bulk of the students are not those students. But once again we talk about different types of alternatives, what we would like to have out there, is an opportunity for these kids to continue schooling, not just remove them, but give them the opportunity to continue with the academics that's needed for them to eventually complete their education, you know, in the public schools. We feel like we need a type of counseling program there. The information that I've given to you, that came out of the " Safe School Summit" talks about the fact that we need to go and deal with self–esteem, you know, with these students to show them that they can be successful. Deal with the academic situation so that they can be successful in that, and in, you know, have all of this. We talk about two different types of alternative situations. We deal with residential places for these kids as well as non–residential–type situations.

**SENATOR PERDUE:** Rose Marie, quickly. Could a school like, I thinking especially rural areas, if you do a regional, could it have two tracks in the same school? Could it have one for the kid who wasn't performing well, who just didn't fit in the regular system, that alternative model?
**MS. LOWRY:** Yes.

**SENATOR PERDUE:** And then a much more punitive model at the bottom level, almost analogous to a daytime boot camp?
**MS. LOWRY:** Right.

**SENATOR PERDUE:** And it would be okay with the educators to try to do both in the same facility?
**MS. LOWRY:** Yes.
**SENATOR PERDUE:** Thank you.

**SENATOR BASNIGHT:** Senators, we're going to have to move along a little bit and get through our speakers and then we'll take all the—consume all the time in the questions. We don't want to stay with one person without leaving...(inaudible)....Senator Simpson.

**SENATOR SIMPSON:** Yes, sir, I'd like to ask Dean Joyner a question. Dean Joyner, in our State now when judges run for election we've manacled them to where about all they can do is mouth pleasantries about each other. What would you think about this General

Assembly changing the law, to where judges can run on their records, or judges can promise to be tough on crime, they can promise to work fifty hours a week and they can point out that their opponents don't do these things? What would you think about us changing the law to open up that process? Let them run for office just like we do, on their record.

**DEAN JOYNER:** Well, I hadn't really thought about that, in that manner. I don't feel that judges are candidates for judicial office are really as muzzled as we would think, because other than taking positions on specific issues, judges can really talk about just about everything that everybody else can talk about; they can talk about the weakness in the opponents record, and the kinds of activities that those individuals have been involved in. So, I don't really see that there is a significant muzzle on the judges as they run for political office. Now, the problem as I see it is that they don't get the exposure and people don't know who they are, they don't have the opportunity to hear from them and about them to know who it is that they are voting on. And I think that's the larger problem rather than just muzzling them.

## REMARKS BY EDDIE DAVIS
### Hillside High School Teacher
### Durham, North Carolina

Thank you, Senator Basnight, and thank the rest of the Senators, particularly the Senators Gulley and Lucas. I want to share some thoughts, some random thoughts, that I just jotted notes down about and shed—offer, at least, some sort of solutions. I think all of us know what the problems are and we've debated them and you will obviously will have more deliberations about that. A couple of things I'd like suggest.

Number 1. A lot of the problems that we have with youth who aren't motivated, who aren't, who don't have good self–esteem and who ultimately get involved in criminal activity. I think it's that they have very little direction vision outlook on their own lives. And they see very little connection between what is taught in school and to their futures. So I'd like to suggest that every single child in the State of North Carolina, every single year, have what I call a PEP, a personal education plan, that is devised, that obviously has the opportunity for flexibility as students move farther through school. I want to suggest that this be something that we look at.

The pattern after the individual education plan, or the group education plan that often is used in our special education programs, it would not certainly have to have all of the guidelines and restrictions that those programs have but certainly it would offer a student some kind of a way for them to involve themselves in their actual education and the planning for their future careers. I would hope that there would be some practical aspects of application of their education so that they would see that the theoretical portion has a connection to the actual application. We heard a wonderful speech last week by from Willard Dagger in the combined session of the State Board of Education, the Community College Board, and the Board of Governors of higher education. And he talked about how we are to be making those connections between how students really learn theoretically and how those things are actually applied to their lives.

I'd like to also suggest that we come up with some ways in the schools, some very simple ways that we can bring about the concept of order and discipline in the schools. There is a program in a middle school in Wheeling, West Virginia called PIVOTS, and I don't have what that acronym stands for right now, but basically it talks about some basic guidelines, sort of like rules of life that we have in our real world, there are almost like traffic codes that we use; that students would walk on the right–hand sides of the hall; that they would be specialized one–way stairways, stairwells that would take them up and one–way stairwells that would take them down. Sounds simple, sounds even juvenile, but I think it's the way we operate in the real world and I think there ought to be some

ways we can do that within the schools. That we ought to have assignment books for every single child, that they have their assignments, they know what those assignments are and they write them down and that we require them to bring those assignment books to school every single day and to each class and that they have their textbook and that we offer that kind of order and systematic system for students so that they understand what life is like and that there is structure to the things that they do.

I think that the Attorney General's Office might want to offer an 800–number where students can actually call in and report offenders of the law to people outside of their normal peer group and outside of the authorities of the school. There is a conspiracy of silence within our schools and within certain communities; that students aren't comfortable reporting their peers. I think there ought to be ways where they actually can do that anonymously, and an 800–number utilizing radio and television to broadcast those 800–numbers so the students can actually call in. I think that there can be a monitoring process that would work there.

Somebody mentioned a few minutes ago about whether or not the teacher association here in North Carolina has any kind of position on violence in schools and I think within the educational community that NCAE belongs to there have been policies and resolutions that have dealt with those kinds of things and our parent body in Washington, monitors very close and has worked with Senator Simon on the whole issue of violence on television. So there is movement in that direction.

I think that we ought to have some ways that we can actually deal with programs that deal with race. I think that race is one the things that in North Carolina and I guess all over this country is always just under the surface. There is a program that the People for the American Way has called North Carolina Star. And I'd like to see that Program involved in more and more of the schools around the State, where college students come in and talk to to high school and middle school students about issues that confront them and create a system of dialogue for students.

Within the general community I'd like to see us have a program and mentoring program called, what I would call Brothers Five, and I guess we could have an equivalent of it, a Sisters Five. We, obviously, know about the one–on–one mentoring that takes place in many communities but I've found that that does not always work because there seems to be a need for more people being involved. And I'd like to see a system operate where we will take a third grader and put that third grader with a sixth grader and put those two with a ninth grader and to add a college–age student and also a more seasoned adult and that those group of five would work together to deal with things and they would play off of each other and they would be monitoring up and down the scale and that they would work together. And I think that that would create a kind of system of unity that does not always come from the one–on–one mentoring that sounds good theoretically but does not work, particularly in the minority community. And I think there's a special psychology that goes along with that and if I had time, I'd like to talk a little bit more about that. But I'd like to share those comments and I will put in writing the things that I have down here but don't have time to talk about right now.

**REMARKS BY THE HONORABLE KENNETH S. BROUN**
**Mayor of Chapel Hill**
**and**
**Professor of Law**
**University of North Carolina at Chapel Hill**

Thank you, Mr. President. My name is Ken Broun. And I very much welcome the opportunity to appear before the Senate this morning. I offer views from two perspectives. First, I'm Mayor of the Town of Chapel Hill and second, I'm a Professor of Law at the

University of North Carolina Law School. But the views are mine only and I don't purport to represent either the Town of Chapel Hill or the UNC Law School.

I have no question but there is a growing violent crime problem in this State and in this Nation. Honest law–abiding citizens are increasingly afraid in the streets and in their homes. It is imperative that government on the national, state and local level act to do something about the problem. I suggested the General Assembly consider greater assistance to local police forces. We need more police officers on the beat. But we do not need them necessarily to arrest more people or to put more people in jail. We need them on the street and in our communities both as a deterrent to crime and to interact with people to cut off crime at its sources. I'm talking about community–based policing. The term means different things to different people, but its premise is unassailable. Put well trained police officers who understand and care about their community into the community and crime will be deterred. Let them be the old fashioned cop on the beat and more.

Give local communities the authority and funding to experiment with programs. For example, we have made excellent use of police social workers in Chapel Hill, and we could use more. Local communities do not have the funds to provide all of the needed police to make such programs work. Some help may come from the federal government but the General Assembly can and must provide some additional assistance. Such assistance might simply be in the form of unfreezing local funds.

I strongly recommend that the State funds be spent on such programs on the criminal justice system and on programs that intervene in young people's lives before they commit crimes, rather than on the prison system. Putting people in jail is simply not working. Putting more people in jail for longer periods will not work any better. Rather, we need to make sure that we are putting the right people in jail for the right amount of time. Concepts such a three strikes and you're out or for mandatory life sentences without parole will simple create geriatric prisons. Let's get violent criminals off the streets for their violent years. The argument that a life sentence without parole operates as a deterrent simply does not ring true to me. I cannot believe that a young and potentially violent criminal would be more deterred from a violent crime by a life sentence than by a sentence that would really keep him in jail for the next twenty years. The new sentencing guidelines are a step in the right direction, but even those new guidelines may need adjustment. We must look at the nature of the crime, the need to incarcerate violent individuals at least for their violent years and the possibility of alternative punishments where appropriate.

Let me turn to a very old source for some meaningful insight. Charles Dickens, writing at about 1850, has David Copperfield say the following:

On the appointed day, Trattles and I repaired to the prison where Mr. Creeko was powerful. It was an immense and solid building erected at vast expense. I could not help thinking as we approached the gate, what an uproar would have been made in the country, if any deluded man had proposed to spend one half the money it had cost on the erection of a industrial school for the young or a house of refuge for the deserving old.

Let us not repeat the mistakes made 150 years ago. Governor Hunt has made some excellent proposals for getting to the root causes of crime. His proposals for after school programs for community involvement and for treatment for alcohol and drug addiction are worthy of the most serious attention. We must intervene with young people before they commit crimes. Unless we act to prevent them from engaging in violent acts, there will truly not be enough jail cells to hold them.

I would be remiss in my discussion if I did not at least raise the issue of the crying need for gun control legislation. Gun control legislation will not in itself stop violent crime. But it will reduce the injuries and deaths caused by the proliferation of guns in our communities. Criminal uses of guns often arise from legal purchases. Injuries and deaths are also often caused by non–criminal use of guns. I am sure that most of you read about

the senseless fraternity house shooting in Chapel Hill a week or so ago. Our response to the proliferation of hand guns and worse must be at least state–wide. Let us act as a State to get guns out of the hands of felons and intoxicated people. Let us ban assault weapons. Let us ban kitchen table dealers. As Governor Hunt suggests, let us impose longer sentences where guns are used to commit crimes. And for all of our sake, please enact a thorough, all–inclusive, licensing and registration program for all guns. Such a program may be the only effective way to reduce the number of guns in the hands of violent people. We license people to drive automobiles because we see a public safety risk if we did not. I cannot imagine that such a risk does not exist from the possession of a gun. Our police need such an extra weapon in their fight to keep our communities safe. Thank you.

**SENATOR LEE:** Thank you, Mr. President. Two things I'd like to ask Mr. Davis when he writes up his remarks if he would go in a little more detail on the 800–number, reporting number, but also think about it in terms of having it stationed at the local community, local school system or local police department. I believe the services closest to the people can be much more effective, and I'd love to discuss that with you further.
**MAYOR DAVIS**: Yes, I'd be happy to do so.

**SENATOR LEE:** Mayor, glad to have you. Have you—did I read somewhere that Chapel Hill was experimenting with a civilian enforcement corps of some sort and how is that going if you have initiated it?
**MAYOR DAVIS:** Yeah, we have a corps of people that we've hired as security monitors in our downtown area. And they are citizens who are trained simply as observers. They are armed only with radios and their job has been simply to walk around the downtown area of Chapel Hill, to report any time that they see problems and we think that it's working. We think that it is having a deterrent effect on crime in the downtown area. We think that we're more in control. We need to keep the program going. Interestingly, the program has been funded in large part by private citizens, have put money into the initial hiring of these officers. I think it may not always be that way and we may need some additional funds, but I think its a very good start, we're very pleased with it, Senator, thank you.

**SENATOR BASNIGHT:** ...(inaudible)...if you don't mind, we already run out of time, we've got a few more speakers. We'll try to get through those.

**REMARKS BY DR. PATRICIA SUDDERTH**
**Principal of Gardner Elementary School**
**Gastonia, North Carolina**

Good Morning, Mr. President, thank you. Good morning, Mr. President and Members of the Senate. Thank you so much for allowing the educational community to offer some input into this Special Session. As a veteran educator, I would like to tell you that the students out in the public schools of North Carolina are very different from the children that you might have seen when your children were growing up and they're so different from the children that were there when you and I were there, you probably would not even recognize that this is what school is all about. These children that we're working with are technology–smart children. They are so eager to learn in many cases, but some of them are so very lazy. We also have children out in our schools that are very, very bright, but this brightness is not being challenged and it isn't being channeled appropriately.

I would like to offer a quote from the late John Dewey who said, "We must use our intelligence to overcome obstacles. We need to be able to reason, to make wise decisions and be able to solve problems." Dewey also went on to say that we need to attend to not only our children's cognitive or knowledge needs, but their physical and their emotional needs as well. And it is a holistic approach and I've heard that mentioned earlier today, it is a holistic approach, working with the whole child that I believe will be the most

successful with all age groups with whom we are targeting programs. We need to teach our children and help our children, not teach our children, we need to help our children learn to cope with frustrations of living in a very fast–paced society.

I would like to offer just about three things for you today to just think about. First of all the student programs in which we will address knowledge, physical needs, and emotional needs. Some ways that we can help parents as partners and also the educator–issue; because, folks, there are teachers out there working with your children that need to be listened to and you need to be sensitive to their needs.

We've heard the term self–esteem bandied about today, and you know you cannot give self–esteem to anyone. What you can do is create an environment which self–esteem is allowed to develop. That environment must be first of all, nurturing, most of all it must be non–threatening, so that the child can experience success because only when you are successful can you feel worthwhile, and begin to want to branch out and feel secure enough to branch out. Remember success breeds success. How can you, our legislators, offer the children of North Carolina programs that are holistic and also flexible enough to allow children to experience success? I suggest first of all, and to me this is the very, I guess, basic thing, in what I would like to say to you today. You need to allow three and four year old children to come to the public schools of North Carolina, not just the children who are at risk. We have programs, pre–kindergarten programs and Smart Start, which are targeted for the at–risk population. It is my belief that we need to work with the young children. And I have heard some of you express this very same notion. Working with young children so that they can begin to develop the kinds of ideals, the kinds of, I guess if you will, knowledge base about what it takes to cope in our society. We all know that it is so much better to use developmental programs than it is remediation programs. We also, despite the fact that we hear so much about crime being something that happens more to males and it does happen more to males, but it is not age–specific nor is it gender–specific nor is it socioeconomic specific. That is way I'm asking you to think about, very seriously think about, funding programs, universal programs for three– and four–year–olds.

Something else that I would like for you to consider and consider this also very, very deeply. The compulsory school attendance law targets seven–year–olds. These are the children who absolutely must be in school. However, we have 5– and 6–year–olds in school. We have no meat in the compulsory attendance law. We can't go out and make these children come to school, therefore, these children are developing poor, poor attendance habits. And ultimately, poor, poor work habits.

In addition, to these early childhood programs for three– and four–year–olds, we need some middle grades assistance programs. The DARE Program has as been mentioned earlier, and DARE is a drug alcohol resistance education program through the police in Gaston County. So, that is without any doubt one of the best programs I have ever seen come into our schools. We need to continue DARE. We need to expand those kinds of programs. I think the Save Our Schools Program that you have begun for sixth– and seventh– and eighth–graders is going to be extraordinarily good.

I'm not going to go into that Program because you already know what it is, I'm going to piggy–back on something Linda talked about in her BRIDGES Program. I'm going to talk about a parenting component. We have parents out there that simply do not know how to be parents, and we need to help them. And one of you alluded earlier to the fact that we need to be teaching and not try to take on all of society ills, but folks we get those children, and we get those children we take what we get. Unlike a factory model we cannot send them back and ask that somebody work on them and then send them to us again. We need parents who know how to work with young children. We need parents who need to sit down and talk to their children about whether or not it's appropriate to go out and have sex. Whether or not it's appropriate to go out and do drugs. Some of these parents really and truly have problems distinguishing what they can talk to their children about.

They don't want their children to dislike them. We need to have a very, very comprehensive parenting program at all schools, because once again this is not a gender–, race–, nor socio–specific kind of thing that we are dealing with.

The third component is our teachers. Our teachers are out there working with these children that I referred to earlier as being very different children. Our teachers are burning out at a rapid rate—burned out teachers. And this is not everybody, but folks, let me tell you when you yearly, and sometimes monthly and bimonthly receive changes in the curriculum—if you received changes from Raleigh, if you received initiatives that must be carried out, after a while you begin to think, hey, I'm trying to teach and I'm trying to learn how to do it as I teach it. This is something that I see as being a pervasive element in the teacher population.

I would like for you to very seriously consider allowing the educators in North Carolina to have full retirement benefits at twenty–eight years. Also, I would like to address the teacher education component. We need some teachers who come to us as new teachers, not only with their knowledge and with their enthusiasm, but teachers who come to us with a way to manage student behavior a little bit more effectively. Because the children that they were taught how to teach, do not exist for the most part anymore. We have, as I said earlier, a totally different child to work with.

And the third thing with teachers, and I've alluded to it with the State initiatives and so forth, folks we need to allow teachers planning time. I am proposing that you take a very, very careful look at year–round schools. I hear it talked about in small groups and some folks think well what would the parents say. Parents are different than parents use to be. No longer do we operate on an agrarian model. The summer's not needed for these kids to get out and work in the fields. We have parents who would love to take their children out of school at Christmas time and those of you who represent the State that have the tourist industries, if you had year–round schools, or if we had year round schools, parents would be coming to you twelve months out of the year probably. Parents take their children out my school now in the wintertime to go on vacation. If we had year–round schools we would have a remediation component that is built in. We also would have an acceleration component that is built in. We would have built in planning time. I know I have just talked too long, I feel very deeply about some these things and could go on forever. I know these initiatives cost money. But please, in light of what these folks have said earlier, can we afford to not begin to spend some of this money? Thank you so much.

**SENATOR SIMPSON:** Mr. President, are we going to be allowed to ask any questions maybe of this speaker, the lady that just finished? (inaudible response) Okay. Dr. Sudderth, you're the first speaker I've heard that has touched on what I think is a very important problem and that is we've got all these programs to reach the at–risk students and we aren't reaching them because we can't make them attend. Are you suggesting that we lower the compulsory attendance law to age five or even maybe lower to get them into Smart Start, Headstart, and the other types of programs we have?
**DR. SUDDERTH:** I'm proposing that we lower it to age five, yes.

**SENATOR WALKER:** Thank you, Mr. President, I, before the teachers, before we get through with all of this, I wanted to ask the teachers about the situation of classroom size. Nobody has mentioned that. And we talk about a lot of programs, and it seems to me that even in this where classroom conduct has gotten out of hand that I'd like to at least have one person, Rose Marie, or someone speak to the classroom size and reducing that, I know some States have done that and it's really been tremendous in helping the learning and also the controlling of violence.

**DR. SUDDERTH:** Rose Marie, would you?
**MS. LOWRY:** Yes, that is a critical issue with us. Our Association supports that. We believe that if we are going to look at a magic number, research tells us it's probably in the range of fifteen. That if we could put one teacher per fifteen students, we can actually see opportunities academically improve for these students that it also gives us the ability to really get to know that student and the background of that family and to be able to deal with some of these other issues that's out there.

**SENATOR COCHRANE:** Thank you, Mr. President. Dr. Sudderth, I want clarification based on some remarks you made. Are you indicating that there need to be more work days for teachers built into the yearly calendar than already are and secondly, are you indicating that those personal development days where they are workshops for teachers are not an adequate place for continually updating disciplinary skills that may have been outdated by college training?

**DR. SUDDERTH:** Senator Cochrane, that is an excellent question. I am not saying we need more work days, what I'm saying is that if I take this time to say, we need to have the initiatives that come from Raleigh in time for us to plan appropriately for them. Frequently, they come in the middle of the school year, they come after the planning days, and there are so many of them that we simply do not have time to do the appropriate training. Also, we have not done the training, however, we are expected to implement, that's what I am saying. I think with year–round schools we would have the inner session so that we, during those inner sessions, could train our teachers more effectively.

**REMARKS BY JOHN NICHOLS**
**Director, Community Health Coalition Project**
**Durham Academy of Medicine, Dentistry and Pharmacy**
**National Medical Association**

Good morning, ladies and gentlemen of the Senate, I'm John Nichol. I'm a bit of an anomaly here. I'm a not an educator, I'm here representing some educators, in two programs that are going on in Durham and just by the fact that I'm here, I represent a part of what needs to happen in 1994 and beyond that has not happened sufficiently in the past.

First of all, let's clarify a few things. I'll make three points. Most kids do make it. Unfortunately, too many do not. We are concentrating on those too many who do not. Let's keep this in perspective and look at it from the perspective of history. If you don't learn the lessons of history, you're forced to repeat them; *if* you do not learn the lessons of history, you are <u>forced</u> to repeat them. The Old West, if you lived in the Old West, how about, how lawless were those days? If you lived through the bubonic plague, if you read about that, what would you have thought at that time? Think about the drug abuse of the early 1900's—Sherlock Holmes series and all that. What would you have thought if you had lived in those days? What would you have thought if you had lived in Chicago, New York, etc. during the mob–violence days? <u>If you don't learn the lessons of history you're forced to repeat them!</u> It's time for us to start learning those lessons and putting things into practice that prevent us from repeating them. That's where we are now.

Think about a garden, a flower garden that you have at home. You created it years ago. You planted flowers in it that bloom without your really tending to them. You forgot about that garden, left it alone for five years. What do you think that garden looks like today? Some of those annuals, gone, those perennials keep coming up. But it's a mess, isn't it? <u>It is not gone.</u> It can be resurrected. What do you do? You weed, cultivate, and seed. That's where we are today. You can't do one or two, you do them all.

You weed, you get rid of the weeds. Now, getting rid of the weeds when we're talking about human beings is a little different than just those weeds in the flower garden, but it is similar. You have to pull them out of the community. Make ways for them not to continue to infest those out there, those good flowers. You cultivate, you've got to put into existence things that are likely to help those flowers that you want to continue to grow and the new ones to come up and be what you want 'till you have a flower garden, a community, that you want and deserve. Alright. I said three points.

Come first and hear. I'm not an educator, so I sent out a message to educators throughout the corners of our great State and the middle. And I asked them to fax me back something to say today, and they did. They all gave me the same thing. I was a little surprised at what they sent back. But they all gave me the same thing on my fax machine. And it was—

The night was dark and dull and drew,
Around the corner the turf wagon flew,
It hit a bump and the noise was heard,
A man was killed by a flying turd.

That's what the educators said. If we don't do something about it, that's where we stand. But we can do something about it, ladies and gentlemen.

Come second and see. The second thing is we've talked about a number of programs. The programs all make sense. We've done programs in the past that make sense. What we have not done is to sufficiently fund these programs or add to these programs a proper measurement and evaluation component. This comes from me, I'll tell you about the programs I represent in a second. But let's use competition to cut down on perhaps some of the numbers of programs so that they can be done better. And so that they can be properly measured and evaluated. We need to find out the cost–benefit of the kinds of programs that are going on; whether they're community–based alone, whether they're public–sector–based, whether they're from the educational community, the research community or wherever. We really need ways, we need to spend more time and effort on the planning and organizing of those programs, and on assuring that they're ways that we can evaluate, we can measure first and evaluate their effectiveness. There are lots of programs in this State that do great jobs. There are others, that could do better jobs if the funding were there to properly measure and evaluate them.

Come next and finally and see and hear. I'm here to represent two programs, one called RAPP, and the other called SAGE. My name by the way is John Nichol, and I'm with the Community Health Coalition Project. We are one of the participants in the two programs I'll talk about. They are, they are managed by educational institutions and I'm representing them, the University of North Carolina at Chapel Hill School of Public Health is responsible for a program called RAPP, Reaching Adolescents Parents and Peers. It is an attempt to help middle–school children in the four middle schools that use to constitute the City of Durham Public School System or City of Durham School System, to educate them and provide them with positive alternatives to anti–social behaviors, as they relate to early unprotected sex, drug–abuse, and violence. It is a collaboration, a partnership more than a collaboration by the way, and that's the new term, that's the thing that going to make the difference is the partnership, between the educational community and it's capabilities. The community at large, the school systems, and those agencies that operate between the two. In our case, RAPP is the consortium between UNC, Duke University, North Carolina Central University, DICER(?), and the Community Health Coalition in collaboration with the public school system for Durham. This Program is an attempt to work on the multifaceted issues that affect the way that our children, our adolescents, make decisions. We have finished the first full year of the program, we are in the second of a five–year program. We'll keep you informed as to our progress.

SAGE, second program, Research Triangle Institute, is the primary player in that particular grant. SAGE is Supporting Adolescents through Guidance and Employment.

Again, a multifaceted approach, targeting those African–Americans in Durham County between ages of fourteen and seventeen. Again, targeting those anti–social behaviors. This time, concentrating on the Durham business and professional chains, Rights of Passage Program. A Program that trains young boys into—in the aspects of manhood that are likely to make them successful as adult African–American males.

Also, there's an employment component offered through the Durham office of training and employment. We are in the second year of this program. We are training the first forty young initiates in manhood, male, I'm sorry, in manhood matters with forty mentors to support these young men. We expect that at the end of June these young men will come into the work–a–day world through the Durham Office of Employment, Training and Employment, and that their performance will be greatly enhanced over those who've not had the same opportunity.

The point I'm making, these three points are: first, to recognize in history and taking a visionary leadership approach, we can overcome the problems that are occurring, particularly if we create those kinds of approaches that have good measurement and evaluation in them; and that, indeed, there are two programs in Durham, RAPP and SAGE, that have the potential to make the difference. Thank you.

**SENATOR COCHRANE:** Thank you. I just wanted to make one comment. I realize the gentleman was, I presume, was trying to be cute with his little limerick, poetry–thing, but I have to say that I have some concerns that a lot of what's wrong with our whole society today with teachers and parenting are the very fact that we use terminology like that to express ourselves. I really do think that there are better ways to express our concerns.

**REMARKS BY GERALDINE McNEILL**
**Teacher at Pine Forest Junior High School**
**Fayetteville, North Carolina**

Good morning Senators, I'm Geraldine McNeill, a vocational teacher from Cumberland County, and a veteran of twenty–three years in the classroom. I have prepared a speech to give you where I watered down my comments because I didn't want to offend anyone here today. But I feel that there are some truths that you need to know and you need to recognize and I'm going to give those to you from my perspective, as a classroom teacher.

We all realize that violence touches everyone in this society. That all of us in our communities, no matter how large or how small have been touched in some way by a violent incident, but it is pervasive in some of our schools, because our children do not know how to do anything else but settle their differences in a violent manner. All of the children are not problem–children. And I don't want you to feel that they are. But last year in my local unit, I'm President of the Fayetteville Association of Educators, we surveyed our school district members and non–members. And the majority of those that responded felt that they were in this thing alone. That they were isolated, teaching in isolation and no one really cared what happened to them or to the children, other than to give lip–service, to helping children to do what they had to do in order to reach adulthood and be successful.

There are ways to deal with children who are chronic misbehavior problems. But a lot of us feel that our hands have been tied by well meaning individuals, who felt that they were producing programs that would help children and in a way I guess, protect them from us, the educators. Well, now being protected from us has taken its toll. The children are disrespectful, they are verbally and physically abusive in some cases, and they, some of them are out of control. But no one is willing to rein them back in. The administrators don't want their schools to be targeted by suspending a lot of children or expelling them, or even recommending to the central office that this be done. So, the children stay right there continuing in the same manner that they've been operating all year. So, what are

we going to do, allow 5 percent of the children to terrorize a whole school? Or are we willing to make some choices and deal with the problems that we have?

I believe that children can be salvaged. They are eager in some cases to do the things that you want them to do. You have to show them the way. And we have not all committed ourselves to doing that. I think that we need options that will work for the children and I believe that some of the things that we need to do—one is take the lockers out of the schools. If you're concerned about the children bringing weapons and always bringing contraband into the schools, then take the lockers out the schools, and make the kids carry see–through backpacks. They can carry their books, they have all their essential needs, but they don't have the wherewithal to hide the weapons and all of that from detection.

I think one of the worst things we ever did was put police in our schools. Because then we admitted to the children that we could no longer control them. Our hands have been tied and only you and the other policymakers can untie our hands.

One of the things that we all have ideas of what alternative sights need to be. Children who are chronic misbehavior problems need to be placed in alternative sights. They need intensive counseling, be it self–esteem or whatever. When the children are ready to return to the regular school that they would be allowed to do so. However, their classroom instruction must continue to take place. They can't be just thrown out into the street and thrown away. We can't afford to lose not one child in this State.

I believe that we must allow the school administrators to send students home for a cooling–off period. I have seen students pick up iron chairs, throw it at the head of another child, if it hit the child, it would possibly have killed him. However, the child had to remain in school all of the rest of the day, rather than the parents being called, asked to come and pick this child up, take him home to cool off, because the child is labeled emotionally handicapped. Well, it doesn't matter to you whether the child is emotionally handicapped or not, if he hurts your child. And if cooling off period would the child to go home, cool off, but I would suggest that the parents have to come back to the school with the child to conference with the guidance and the administrators before the child is allowed to come back to school.

I think that we need to pass a law that parents be allowed to take off from their job at least two days a year, where they can come to the school if they have a child that is a chronic misbehavior problem, that they can come to the school and have to deal with the teachers that the child has, the administrators and only then will we begin to see some results. As long as the problem is the problem only of the school, no changes will take place. The hassle has not inconvenienced the parents. It has not inconvenienced the central office. It has only inconvenienced the teachers, and the children in the classroom who are there to learn.

You want us to give you results. How can we give you the results that you're asking us for, when our time is being taken up having to escort children to the office. Children who will tell you, you tell them, "Would you, please, go to the office?" "I'm not leaving, and you can't make me." So, then you have to leave your classroom, because you're already teaching in isolation—you don't have a telephone, you don't have an intercom system that you can call to the office and ask someone to come and get them. So, you have to leave twenty–four other children to take one to the office, or to go and call for an administrator to come to you.

Some of the things that we need are very basic. We need a way to communicate immediately with parents. And we can't wait till the end of the day to call the parent when the child is acting up at 10 o'clock and the child is there all day. We need to be able to call parents. We need to have a way to get in touch with the administrators when there is a violent situation occurring, rather than having to leave the classroom and then come back and God knows what you're going to find.

One of the things that was asked and I jotted down a note was on class size. I think you were very well intentioned when you adopted S.B. 1340. But S.B. 1340 has become one of our problems. Because now, in order to try to receive money for differentiated pay, you have to have—meet attendance goals. So, that means all of the kids that are presenting problems you've got to keep them there in order to try to reach your school goals. And what have you accomplished? You haven't helped the other children that were there. You've kept the one that should have been gone. The other thing is class size. In my local alone, I've had numerous calls since we started operating under S.B. 2 and this years S.B. 1340, where class sizes have gone up to thirty–two and thirty–three children in third–grade classes, second–grade classes, and first–grade classes. I don't think you intended that. We were down to twenty–six children, and I would ask you to please reconsider some of the programs that you've already instituted, and to re–examine some of them. And thank you very much for this opportunity.

**SENATOR BASNIGHT:** I'm certain that the committee chairs will be calling some of you back to testify help us ...(inaudible)...thank you very, very much...(inaudible)...

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**PANEL**
**on**
**JUVENILE JUSTICE AND INTERVENTION**

1. **Judge William G. Jones is a District Court Judge in the 26th Judicial District (Mecklenburg County) and is a juvenile specialist.**
2. **Judge Margaret Sharpe is a District Court Judge in the 21st Judicial District (Forsyth County) and is a juvenile specialist.**
3. **Lee Nichols is Director of Cumberland/Fayetteville Community Services/ Restitution Program. This Program serves only juvenile probation youth and is housed and administered by the Fayetteville Police Department.**
4. **Tom Clark is Manager of Juvenile Detention Services in the Division of Youth Services. He is responsible for supervision of the six state–operated detention centers in North Carolina and for setting standards for the five county–operated centers. He is an attorney and former police officer in Durham, N.C.**
5. **James "Jim" Speight is Director of the New Hanover Regional Juvenile Detention Center located in Castle Hayne, N.C. This Center is designed to house 18 youngsters, yet its census has consistently hovered around 30 in recent months. Prior to becoming Director, Jim worked with the Department of Corrections in the area of Intensive Probation and Parole.**
6. **Charles Dunn is a 15–year veteran of the SBI and is affiliated with the Justice for Children Task Force (a coalition of child advocacy groups).**
7. **Sgt. Ray King is with the Charlotte/Mecklenburg Police Department and is a specialist in juvenile crime. (Substitution: Sgt. D. S. Wilson)**
8. **Detective Bob Cook is with the Charlotte/Mecklenburg Police Department and is a specialist in juvenile crime.**
9. **Harry Bruell is the Acting Director of the Durham Service Corp. The DSC is a work and education program that targets at–risk young men.**
10. **Gwen Chunn is the Director of the Division of Youth Services of the N.C. Department of Human Resources.**

**11. Rebecca Davidson is Director of Dobbs School located in Kinston, N.C. She began her career in juvenile justice as a cottage parent at the Juvenile Evaluation Center near Asheville. Ms. Davidson is well versed in the needs of troubled youth and the operation of training schools.**

**12. Betty Jean Alley is a Haywood County, retired Chief Court Counselor in the 30th judicial district, which has had the lowest training school commitments in North Carolina for the past 20 years.**

**SENATOR BASNIGHT:** Would the members please take their seats, please? Thank you, panelists, for joining us today. We are running a little behind schedule, as you well know, maybe forty minutes, but we don't want to catch up that time at your cost. Would everybody have their seats, please? All the Members, please take you seats. ...(inaudible)...certainly glad to have you...(inaudible)...

**REMARKS BY THE HONORABLE WILLIAM G. JONES**
**District Court Judge**
**District 26**

The first point I'd like to make is that the word juvenile is used in inconsistent ways. It means different things in different places, and sometimes it means different things in the same place. North Carolina, for example, under our law, juvenile has two definitions. Kids up to age eighteen who are abused and neglected are defined as juveniles. But for purposes of delinquency and undisciplined behavior we define juveniles as kids up to the age of sixteen. In that respect North Carolina is different from most other states. Thirty seven states, I believe it is, treat 16– and 17–year–olds as juveniles, including the big states—California, New York, Florida, and I think, Illinois. So I caution you when you read articles or hear statistics about juvenile delinquency to be aware of those inconsistent age groups and to be sure that what you see and hear is relevant to North Carolina. Be sure that you're not comparing apples and oranges.

Because of the way we define juvenile, the volume and severity of delinquency is far less here than it is in those other states. That doesn't mean we have less crime, just that we have less crime committed by juveniles because of the way we define juveniles. More to the point, less of what we have in the way of crime is dealt with in juvenile court. So I would submit that North Carolina already takes a get–tough approach to youthful offenders by treating all 16– and 17–year–olds as adults. Also, our transfer age is fourteen. Current law permits are required in some cases 14– and 15–year–olds who commit serious offenses to be transferred to Superior Court for trial as adults. There is at least one bill that has been introduced, I believe, that would change that and reduce the age in some instances to thirteen and require transfer in a far wider range of cases. Our transfer age is as low or lower than the vast majority of states. In my judgment, that's low enough. There is not much serious crime, from my experience, and I've been hearing juvenile cases for almost fifteen years—there's not much serious crime committed by thrteen–and–unders. Even among the 14– and 15–year–olds, there are not currently many transfers. In Mecklenburg County last year, seven kids were transferred to Superior Court for trial as adults. Those seven had all committed homicides. That's the number of homicides we had in our County last year committed by kids under the age of sixteen. That's one fewer, incidentally, than the number we had in the previous year.

I am not aware of a single case where the D.A. requested transfer and it wasn't granted. I was recently surprised to discover, after all I've been seeing in the press and after this Special Session was scheduled, to learn that delinquency petitions in Mecklenburg County are down almost twenty percent in 1993 from the previous year. The public perception is that juvenile delinquency is increasing dramatically. That perception is not supported by the numbers, at least the numbers in our court.

What we are about in Juvenile Court is trying to get kids to change their behaviors; to change their habits, to change their associates, to change their lifestyles. And that is a difficult thing to accomplish, as any of you who have tried to quit smoking or to stick to a diet or exercise program, or to make other changes in your life can understand. And these are kids who don't want to change; who don't have the skills to change; who don't have any incentive to change. And all we tell them, basically, is change or else. We threaten them with dire consequences if they don't make the desired changes, and that approach is simply not working in far too many cases.

A typical first response is to place a kid on probation. And the typical conditions of probation are that you not violate any laws; that you live at home and obey your parents; that you attend school every day and not have any unexcused absences and not be suspended or excluded; and that you cooperate with the court counselor and keep whatever appointments are scheduled with the court counselor. We may, in particular cases, add restitution as a requirement, if that's indicated, or community service; or if there are indications of substance abuse treatment or mental health treatment needs or mental health problems, we may make referrals to appropriate service providers. But those are the basic conditions of probation. And when probation fails, what we do is we look to place kids outside their homes. And we use detention, or we use group homes, or we use foster care, professional parenting. We use psychiatric hospitals. We use wilderness camps. We use substance abuse treatment centers, child care facilities like Boys Home or Barium Springs. And those are costly alternatives.

I signed an order yesterday sending a kid to a facility in Portsmouth, Virginia called The Pines which is a sex abuse treatment center. He'll be there for approximately a year if things go according to plan at a cost of over $80,000. Two years ago I sent a young man to a wilderness camp—it's sort of a wilderness camp and a boot camp; has some common features of both those kinds of placement facilities—in Alabama called Three Springs. There is one in Pittsboro, too, which is slightly different. He was there for a year at a cost of about $35,000, and when he came back we were all real impressed with the changes he had made. He stood tall and he obviously had grown and matured and he was articulate— (Have I run out of time? Can I finish my story?) —and we all patted ourselves on the back for a job well done because here was a kid who had obviously done what he needed to do to put his life in order, thanks to that program in Alabama. Earlier this month he was charged with kidnapping and robbing a pizza delivery person in Charlotte and shooting that person in the head and in the chest and leaving him for dead. But we don't feel as good about that placement or about the use of placements, generally, as a result of that experience.

I would just like to say in conclusion and I haven't gotten to the point of making suggestions about what I think ought to be done differently. Hopefully I can do that in response to questions, because I do have some. Not only is probation not working, but placements are not working. I think we need. Well let me summarize then the points I wanted to make:

I think we need to make greater use of in–home services, intensive home–based services for delinquents. The Legislature has made a commitment to doing that for kids who are victims of abuse and neglect. In child welfare cases, the very first family preservation program in this State served delinquents as well as child welfare clients, and I think we need to go back to that model and make use of that service. An intensive home–based service that works with kids. The reality is that when you place kids outside their homes, eventually they go back to those homes in those communities; and unless you work with the family, you simply haven't accomplished change. We've got to strengthen families if we expect to reach kids effectively.

**REMARKS BY THE HONORABLE MARGARET SHARPE**
**District Court Judge**
**District 21**

Please bear with me, I am losing my voice today. I want to reiterate some of the things—some of the comments I make will tie into what Judge Jones had said. The arrest of juveniles for violent crimes ages sixteen to eighteen, murder, rape, robbery and assault in 1982 in North Carolina was 1,076. For 15–year–olds and under, 328. In 1992, the ages for 16– to 18–year–olds was 2,780; for fifteen and under, 936, more than a double the rate in ten years.

Children are coming into juvenile court at a younger and younger age. It's not unusual to see 11–12–13–year–olds committing rape and other serious sexual assaults. Guns are so prevalent that this Legislature enacted a law last year making felony possession of a weapon on school property, making it a felony. In '93 in Forsyth County, three 15–year–olds were charged with murder. We had only had one previous to that. All deaths resulted from the use of handguns. A total of six children were bound over to Superior Court for trial. Two capital offenses, and four non–capital. We are currently holding three juveniles charged with capital offenses in our detention center, for trial in Superior Court.

The root causes were germinating thirty years ago, in this State and in this country. Lack of educational and job opportunities, exposure to violence in the homes and through medium, and the community, "ghettoizing" over the poor and minorities in urban areas, poverty. The increase in illegitimate births—thirty years ago in the minority population was only 23%, and 8% in the White population; today it is 64 percent in the minority population and 22 percent in the white population. These problems feed upon one another and exacerbate problems as a total.

Ninety percent of the children coming through juvenile court were either—are either abused or neglected, sometime in their childhood. Our children are growing up with a sense of no hope for the future. The family breakdown is the major cause. Children are not being taught the values of caring and concern for others, kindness, self–restraint, self–discipline and respect for authority. It's not uncommon for a child whose been adjudicated to stand before me and I question them, "Do you know what the Golden Rule is?" And they say no, they've never heard of it. We are now reaping the bitter harvest of this thirty years of neglect of our families.

Our courts at all levels have been inundated with criminal cases. Juvenile court is no exception and I must say we are an exception from Mecklenburg if your rate is down. Urban areas are particularly hard hit by the increase in crime and generally, in general, and in violent crime. Some can be attributed to drug trade and gangs.

I agree with our Governor that we must address these root causes and intervene in the children, in the lives of children at risk to stop this violence. We have already lost two generations of young men. Another is on the way to being lost. Realizing that some of these children may already be lost to us at age 14, I recommend that most violent and worst offenders, if committed to training schools should be held until age 18; these are Class A through D felonies. At present, they may be sent back to the community on conditional release. Many commit other crimes while at home. One of our capital cases last year was a young man sent home from training school on conditional release. He had been sent there as a last resort after many, many, many times in juvenile court. His last offense being a burglary. When he came home he had determined that he was going to be a drug dealer. He bought a gun and carried it openly, wore it in his pants, waistband. In the process of unloading it, one night, he shot his girlfriend. However, he did not call emergency medical services and she bled to death.

Last week I ordered a second committal of a young man who had just committed another string of breaking and entering and larceny. He had gotten involved with his mother's boyfriend who was age twenty–four. On a second, at present, on a second committal to training school we can have them held for two years. This young man will only be seventeen when he comes out. Unless things change at home, I don't see any hope for him. Currently, there is an administrative decision to hold A through D felony convictions at training school until their eighteenth birthday.

Another issue that has not been addressed is what do we do with these young drug dealers. One showed up at training school a couple of years ago with $95,000 in cash; one with a Mercedes Benz. He was not old enough even to drive a car.

I'm advocating a number of proposals, which I hope the Senate will study and adopt and address some of these current problems we have in our juvenile courts. A study and revision the Juvenile Code to address the more serious and violent offenses being committed by our youth which would allow the courts to hold until age eighteen those committing the most serious felonies, that's A through D. And those assaults involving serious injuries and crimes committed with the use of weapons. At present there are 88 youths in training school in this category, out of a population of 797, slightly more than 10 percent. Changing the Juvenile Code allowing those children who are charged with capital crimes for those offenses above twenty–year felony to be housed in a special facility in the local jail in single cells or in a special facility while they're awaiting trial in Superior Court. This would relieve a strain on our resources. They're very scarce in the detention centers. In Forsyth County now we have three beds taken up by children, one who's been held since September waiting trial in Superior Court for a capital offense. These personnel in the detention centers are not trained to deal with these children. They don't carry weapons and the other children in the detention centers who may be there for only two or three days are exposed to these serious, these children who committed murders. We have children waiting up to six weeks to go to training school because there are no adequate facilities for them. There are no beds available. (You want me to stop? All right.)

We need a transportation statute adequately funded which would provide transportation officers to transport these children to the nearest regional facilities, when our facilities, when our detention centers are closed. We either have to release children from the center or go over the maximum number, wind up playing numbers games instead of achieving our purposes. In touching on what Judge Jones says, I believe we need to increase the age under the Juvenile Code for undisciplined and delinquent youth to age eighteen. We're only one of three states in the United States with a cut–off age at sixteen for criminal justice purposes. **[EXHIBIT H]**

**SENATOR BASNIGHT:** That was only three?
**JUDGE SHARPE:** One of three.
**SENATOR BASNIGHT:** One of three.
**JUDGE SHARPE:** He was talking about seventeen.
**SENATOR BASNIGHT:** And we've been hearing that?

**JUDGE SHARPE:** Right. Children, Juvenile Court is a little bit kinder to children than adult court, and our juvenile court counselors are better trained to deal with juveniles and their families. So, hopefully, we can do something to help these children before they're eighteen. I'm not talking about the most serious offenses, I'm talking about relatively minor things. We need to review community–based alternatives funding and current programs. This funding has remained stagnant for a number of years. Our communities are hard–pressed to provide training school alternatives for additional children. Even though we've seen programs with a high success rate.

**SENATOR BASNIGHT:** Written comments—we are accepting those and...(inaudible)....Our chairmen will be calling certain members back to again...(inaudible)...Thank you for being here. We don't like to stop comments or debate, but there are a lot of people who have got to speak...(inaudible)...not what we'd like to have. But we'll get those comments and look at them...(inaudible)...thank you very, very much.

**REMARKS BY LEE NICHOLS**
**Director**
**Cumberland/Fayetteville Community Services/Restitution Program**

My name is Lee Nichols. I'm from Fayetteville and I work out of the Police Department there. I deal mainly with community service. I'm the Director of the Juvenile Restitution Program. And we found that with the Juvenile Community Service Program, we're finding that it's helping a lot of the children. And I'll be brief in my statements. One thing that I want to say is that fund CBA—CBA is needed. We have many children and, particularly the ones that I deal with, if it were not for CBA agencies they would have no structured—or no structure at all. I would like to see, and I think it would be good that if we could find a way to involve parents with these children, in particular when the children become recidivistic and particularly for the same of offense. The parents should in some way be involved with that period of probation or what have you that that child is involved with. They could be supervisors at work sites or they could be made to go and attend certain classes. And I think, and that's another point that I would like to make is that just like we have adult education and classes at night kids are allowed now to drop out of school when they turn sixteen to make up their mind that that's what they want to do, then we say go to the technical schools and get your GED. I would like to see legislation passed to make it mandatory that children stay in school until they're 18–years–old, as opposed to 16, because we're finding in increasing numbers they're leaving schools, they won't mind the parents and they'll say the law says you can't make me go to school. And I think it would be good for them to, for it to be mandatory that they stay in school until they're at least eighteen years of age.

I think it would be most important to deal more severely as it's already been stated by both the judges to deal more severely with drug offenders. And I would think that on the first offense that, if I'm correct in what I think I've heard, is there is a state that the first offense with drugs, the juvenile is taken off the street and is put in some kind of facility, detention center or some place to get him out of circulation, if you will, for at least six months. I think that some kind of thinking like that might not be so bad.

Back to the program that I deal with. In the three years that I've been working with this program, I've had over 700 kids just to come through this program doing community service work. And what I do with him that I do a job, life–skills class with him, we go through three to five hours sometime one session, sometimes two, and we try to share with them ways and avenues of getting out of the ways of life that their in. We try to show them how to find jobs; how to dress when they go for jobs. A lot of the things that it seems that everybody's saying is okay. They don't realize everybody don't feel that way, and they need to make some adjustments.

A larger percentage, of course, and we see it across the nation, is that the ones that come into these kinds of programs are, by far, minorities. And we need some kind of assistance somewhere and I feel again, that the involvement of the parents would play a big role in helping to curtail a lot of the things that the kids are involved in, in juvenile offenses.

My last few comments I would just like to say that and I know this could be big controversial, but as I perceive it, we're dealing with a spiritual matte and we're trying to handle it through temporal means and it's not working; it's apparent it is not working and I think that something should be done to enhance this spirituality. Getting prayer back

in the school or getting some kind of time back if it's silent meditation, I mean. I know that they can do that but I think a time could be set aside, that this time is set aside for meditation, because the bottom line, and then I close, is that people, the Nation, has pulled away from God and we need to get closer to Him.

**SENATOR BASNIGHT:** Tell us who you are. I want each panelist to tell us who you are.

**REMARKS BY TOM CLARK**
**Manager of Juvenile Detention Services**
**Division of Youth Services**

Thank you, sir. I'm Tommy Clark, I'm employed with the Department of Human Resources in the Division of Youth Services. I serve as State Juvenile Detention Manager. And so yesterday I spent a great number of hours trying to place more juveniles into the Wilkes Juvenile Detention Center. That Center had that time eighteen young people in it; it's designed to hold eight. The children keep coming. We in the Division of Youth Services have no control over that. Last fiscal year we took in over 4,800 hundred children into juvenile detention, secure juvenile detention.

There are 188 beds in the State for secured detention and that's in 11 detention centers. Five of those are county–operated, six of these are State–operated. The county–operated centers are Buncombe, Durham, Forsyth, Guilford, and Gatling. The State–operated centers are: Cumberland, which has an 18–bed capacity, this morning it had 37 children in it; the Gaston Detention Center, which when it's in normal operating conditions will accommodate 12 children currently it has only capacity of five beds; but it has 11 children; the Pitt Detention Center which is an 18–bed facility, this morning had 39 children in it; the New Hanover Juvenile Detention Center which is an 18–bed facility, 37 children this morning; the Wake Juvenile Detention Center a 14–bed center has 16 children (I'll explain that a little later); and the Wilkes Detention Center, an 8–bed design center, was holding this morning, we lost one, 17 children.

This is not right. It's not fair. When a detention center operates at 200% of it's designed capacity, it's not fair to the children. It's not safe. Overcrowding results in unsafe conditions for both those students and for the staff. Case in point, the Gaston Juvenile Detention Center; it suffered a riot on January 19th. Seventeen training school committed children rampaged that center. They were led by an accused 15–year–old murderer. The Center was severely damaged. The Center can be repaired. Luckily, no staff were injured and no children were injured. The Center's currently operating with five beds to date. We'll get it up and running as quickly as we can.

The need is great. The Pitt Detention Center suffered an incident. And, typically, when we do have incidents they happen on night shift because we only have two people on night shift. So if there are thirty–nine kids there we have two people working—one male, one female. At the Pitt incident two staff members were assaulted, attacked by the juveniles there. They were both locked into a room. They were beaten. They were bruised. The staff recovered. No children escaped.

Another thing that overcrowding results in is lawsuits. The Wake Detention Center. If you remember I said the Wake Detention Center is designed to hold 14 children; it has 16. That's 20 percent above which is allowed by the American Correctional Association Standards. It had 16 today. We're under orders not to overcrowd that Center anymore. On the date at which that center went into lawsuit, there were 28 children crammed into that Center.

Another significant factor that's adding to our overcrowding are, is a phenomena known as bound–overs. A bound–over child is one who is 14– or 15–years–old who has been charged with a serious felony and his case has been transferred to Superior Court.

Bound–overs clog the system up. They stay longer, some for 192 days or even longer, in the system. They're more dangerous. They are, in fact, this State's most dangerous children that we're housing. And their numbers are increasing. Fiscal year '89–90, we held sixty bound–over children; '90–91, sixty–six; fiscal year '91–92, one hundred thirty–nine; fiscal year '92–93, one hundred twenty–two children. We're currently addressing that problem with a temporary center know as Leonard Bound–over Center and which we have most of those juveniles who come through our system who are bound–overs held separate from the general population, because just as Judge Sharpe said these children, those who are only in the detention centers for one or two days, should not be exposed to that severe dangerous criminal element. It's not fair, it's not right.

We have an obligation to the children who we hold in our juvenile detention centers. We have an obligation to the staff. Those people who are in the juvenile detentions centers who are attempting to take care of these children. We have an obligation of safety, of care. We have an obligation for short–term counseling and health care among others. Those obligations cannot be fulfilled when a detention center is operating with 39 children in an 18–bed facility. We end up tripling children in rooms, we have sex offenders who must have their own separate rooms because of their alleged crimes. It's not right and it's not fair.

That's why we support the construction of two new 48–bed detention centers in the State. One to be located on State property somewhere in Wake County; and another to be located again on State property somewhere in the eastern section of the State, where the need is. There are some facilities in the eastern part of the State, there called multipurpose group homes, but there're not designed to house those dangerous type children which we're dealing with in secured detention.

**SENATOR BASNIGHT:** Thank you very much. You were at the meeting we had with the Governor.
**MR. CLARK:** Yes, sir.
**SENATOR BASNIGHT:** And you've lost a friend or something.

**MR. CLARK:** I had lost a—as a matter of fact, that was a very traumatic week for me; I had lost two of—my training coach when I was a Durham Police Officer died of a heart attack; a my good friend who I'd worked with prior to coming to the Division of Youth Services who was 36–years–old also died of a heart attack that day.

**SENATOR BASNIGHT:** ...(inaudible)...very good job for us. We want questions. We want to do some quick questions.

**SENATOR WINNER OF MECKLENBURG:** This is to Mr. Clark. It was my understanding or that you are now doing a study, an internal study, of the youth and desired scope of detention centers, DIES is doing that study, and my question is what kinds of things do you think we ought to wait to do until we get the results of that study back, I think it will be back in May? And what kinds of things do you think we need to do without waiting for the completion of the study?

**MR. CLARK:** One of the things I think we do need to do is to increase the staffing; to address the ratios that we are currently operating under. Under North Carolina minimum standards, we are required, we have a maximum allowable student staff ratio of 12–to–1. Well, that was fine at the time those were drafted, but we're dealing now with a much more dangerous, much more explosive, much more violent type of juvenile. If I could change one thing, that's the first thing that I would change without any hesitation because with thirty–nine children and two staff members, it's not safe.

**SENATOR WINNER OF MECKLENBURG:**? ...to follow up and ask you if there are kinds of things that you think we shouldn't do until we get this study back in May? (NO RESPONSE)

**SENATOR GULLEY:** Yes, thank you. I had a question for Judge Sharpe. As you may know there's legislation that we will consider this time that as you suggested in your remarks that would say that for a juvenile with a Class A, B, C, D or E, is adjudicated delinquent for an offense that would be an A, B, C, D, or E felony they be held until they're eighteen?
**JUDGE SHARPE:** If they're committed to training school.

**SENATOR GULLEY:** Yes, ma'am, I'm wondering if you think that there's any minimum age consideration that should figure in there, that is you have to be you have to be adjudicated delinquent but you also have to be over the age of fourteen—? At what point do you want to say that that's too young to send them until they're eighteen to training school or should that even be a consideration?
**JUDGE SHARPE:** Well, I think it should be the older ones, of course. Some of the younger ones especially with the sex crimes need to be in a special facility or receive special treatment. Some children are drug addicts already at that age; they need special treatment. So, I mean, they don't need to go to training school, they may need psychiatric care instead.

**SENATOR GULLEY:** Yes, ma'am. I was looking for an age under which we don't want to send them someplace until they're 18, for your suggestions and leadership; and either one of the judges may comment on that.
**JUDGE SHARPE:** Well, I'm reluctant to send anyone who's under—would be under 14.
**SENATOR BASNIGHT:** Okay. Thank you, very much.

**SENATOR TALLY:** Well, just one quick question to Lee. You said CBA and several people said to me what's CBA? CBA, Community–Based Alternatives and that's what you found to be very successful in working with?
**MR. NICHOLS:** Yes.
**SENATOR TALLY:** Yes, I wanted to clear that up.

**REMARKS BY JAMES SPEIGHT**
**Director**
**New Hanover Regional Juvenile Detention Center**

I'm Jim Speight. I'm the Director of the New Hanover Regional Juvenile Detention Center located right outside Wilmington. It's an 18–bed facility. Eighteen rooms and currently housing, as I speak, 37 juveniles; 8 of them which are females. I want to explain to you real quick what my detention center looks like. And it's going to be real fast cause there's not a whole lot to it. It's one big activity room and recessed back are sixteen rooms that are locked. I've got one juvenile off the floor and one juvenile on the floor on a mattress sleeping. Mr. Clark has addressed the other problems that we are facing in detention. I just want to highlight that the staff—just to let you know basically, I've got 36 kids. I've got three staff working on a second shift with 36 kids. I've come from the Department of Corrections, I've been working for the State approximately 10 years. I worked in the adult system with the Department of Corrections, and about 7 years was with the DOC, working with adult offenders and programs, regular probation and intensive probation. I can say from the bottom of my heart, I felt safer working in the prisons than I do in the detention center with these juveniles the way they are today.

I think the Governors' crime package is an excellent start to fight back. Some of the other, I guess, I'd like to touch on you're looking for solutions and what I feel would be a solution especially after working in the DOC and now with juveniles. The training schools, the CBA programs which is community–based alternative programs, all of them can do

but so much, the rest is going to have to come from the home. The laws will have to be changed to where we can hold parents accountable for their children to some extent. We can do but so much when they return back to the homes, there's got to be some type of follow up. There's got to be some type of programs that the family can be involved in before the child even returns from the training schools to the homes, because all we're doing is returning the child right back to the same environment he left from. And it's not doing any good. We may have changed him for a while. We may have built his self–esteem up a little bit but once he gets back home and nothing has changed and he's back doing the same old things, he's going to be right back, that's why the recidivism rate is so high. Not that anything is failing, it's just that we need some support from the parents as well. There is no quick fix and sometimes parents think, well my child, somebody needs to do something, take my child for a year and think it's going to be a quick fix. Well, it's not. And neither is this crime package, but it's a start. So, hopefully, if you have any questions I'll be glad to talk with you.

**SENATOR BASNIGHT:** Thank you, very much.

**REMARKS BY CHARLES DUNN**
**SBI 15–Year Veteran**
**Representing Justice for Children Task Force**

Mr. Chairman, members of the Committee, I'm Charles Dunn and I'm working with a group, Justice For Children that represents about a dozen groups that advocate and work in children's programs. I have provided copies of my entire remarks so that you all might read them at your leisure and I'll try to summarize them and be brief.

Let me say, that from my experience I think that most criminals are made—they are not born. Most of the criminals that we have in our facilities today start in dysfunctional families, as has been pointed out, in dysfunctional homes. Indeed, if we are to address the crime problem, I think we have to look back at dysfunctional homes and try to address some of the problems there. Now, our Task Force believes that the principle of family preservation should be State policy for agencies working with children and families. Focusing State resources on strengthening a family in crisis would keep many young people out of the juvenile and out of the adult systems. You all have already funded family preservation programs in several areas of the State that are working with child abuse and neglect. From the reports that we have received, these programs are effective in stabilizing families at roughly $3,000 per family. Children and homes are being salvaged through this program.

We urge the Senate to extend this program state–wide and increase its scope to include delinquent young people and their families. To further support the family, we would urge the Senate to fund family resource centers in every county in the State. These centers could provide assistance and access to available services and could help keep many families together. Services of a family resource center should be available to every family in crisis in North Carolina.

Now, in view of the importance of the home and the family, we believe the great majority of young people coming into the juvenile justice system today could be helped more effectively in community–based programs and at no risk to public safety, especially when the young person's family can be involved. To this end, we urge you to replace training schools, as soon as possible, with small secure centers for violent youth and with community–based programs for non–violent youth. We believe that the nearer to home young people in trouble can be treated the greater the likelihood of their becoming responsible, productive citizens. This is especially true when the family can be involved in the program with the young person.

In summary, we would like to see you expand the family preservation programs; we would like to see you provide family resource centers in every county; we would like to

see you create more community–based programs and small secure centers to treat violent youth; and we would like to see you phase out the training schools as quickly as possible. Thank you. **[EXHIBIT I]**

**SENATOR BASNIGHT:** Senator Perdue.

**SENATOR PERDUE:** Thank you, my question is either for Mr. Speight or Mr. Dunn because you both touched on the same thing. You talk about a family breakdown, about family values. How does the State, Mr. Speight, become a family to a child, I mean, how can we do that as policymakers?

**MR. SPEIGHT:** That's a good question, its something that probably needs to be researched. We're gonna have, we're gonna have to somehow put counselors or somebody into the homes prior to releasing a juvenile from training school or any other type treatment program before we put them back in that environment, have them work closely with the family. If the family's not taking the responsibility of that child, then other alternatives need to be looked at as far as placement, but not to leave the child and have no follow–up.

**SENATOR COCHRANE:** Charles, as you do it, will you just tell me do you believe that every family is salvageable?

**MR. DUNN:** Oh, no. Unfortunately, it's not, but I think we can do far better than we're doing and I would go so far as to say that many government programs have brought about dysfunctions in families. While many programs are good–intentioned, I think they have had some negative results which need to be addressed. I would urge you to look at our taxing policies to see if indeed we are providing tax benefits for families with children under five years old. I would ask you that you look at the social programs. We have social programs now that say that a child cannot receive aid if a father is in the home; that needs to be changed. We have broken down the strength of continuity in families with public housing. We need ways of providing low–cost housing to families where they have that extended family, where young people can be with uncles and aunts and grandparents. We need to look at our school system, where we have lost, I think, the individuality of many students which contribute to it. I think that government has in it's wisdom to solve problems has created other problems which now need to be looked at.

**SENATOR BASNIGHT:** Thank you. Sergeant.

**REMARKS BY SERGEANT D. S. WILSON**
**(Substituting for Sergeant Ray King)**
**Charlotte/Mecklenburg Police Department**

I'm David Wilson with the Charlotte/Mecklenburg Police Department. I'm here mainly to speak about the officers in the street; officers in the street have frustrations when apprehending juveniles. We fill out a juvenile arrest sheet. We contact the parent, the parent comes and picks them up. That's about the extent of the arrest. We, to go back to what Judge Jones said earlier, they come to court and they get some probation, and their threatened and threatened and threatened. The threats are no longer working. We need more to work with as far as more severe punishment for juveniles. What that may be, I don't have the answers; some type of community service, juveniles could perform work for their crime. I haven't had time to research, to look into boot camps, but that seems to be a good idea. To rehash on what's already been said, family programs are very important. I feel that the family could talk with counselors, get advice on how to deal with and help the child when he gets back in the home from some type of program he had been sent off to for his crime.

**REMARKS BY DETECTIVE BOB COOK**
**Charlotte/Mecklenburg Police Department**

Good morning Mr., Chairman, members of the Committee. My name is Bob Cook. I'm an investigator with the Charlotte/Mecklenburg Police Department. I have been a police officer for eight and one–half years and I've been a detective up there for four. Since 1990, I've seen juvenile crime double in all areas. Juvenile crime right now in Mecklenburg County is representing a large portion of the crime that's coming through now. Oftentimes after these juveniles commit an offense they're brought to our office for us to fill out the paper work. And to try to make some type of conclusion or some idea of what to do with them. We sit them down, we try to talk to them and the majority of the juveniles that I'm dealing with now there seems to be a common denominator existing in all of them. And that is a lack of respect for themselves and society as well, also including law enforcement in that.

Years ago you didn't hear about juveniles killing police officers. But it's happening, it's happening every day in the United States. It's happened in Mecklenburg County recently.

There seems to be a lack of discipline in the homes. Most of these juveniles when I finally do contact the parents, they either don't care what the child has done or they have no idea where their children were prior to the offense being committed. So I think as its been touched on earlier there seems to be a breakdown in the family first of all, that's where it begins. And then there's no respect at all for society or anyone else.

I would like to see stiffer penalties for habitual juvenile offenders. I think we need more locked facilities for these juvenile offenders. Stiffer restrictions and guidelines on these individuals while they're incarcerated. I have visited some of the locked facilities and existing in those are ping–pong tables, pool tables, and other amenities. To me this is not sending out a message that we need to do, we need stiffer penalties within these facilities. They need some more responsibility. Thank you.

**REMARKS BY HARRY BRUELL**
**Acting Director**
**Durham Service Corps**

I am Harry Bruell. I am the Acting Director of the Durham Service Corps. I want to give a very brief overview of our program

The Service Corps started in Durham to address two significant problems in the community. The first problem is the growing number of undereducated, unemployed young people. The second problem is the urgent physical and human service work that desperately needs to be done. The concept of the Service Corps is to view these young people as a resource and to train and educate them through a program to go out and complete the work needed that needs to be done in the community.

The Service Corps has two divisions. The first one, a regular program, it's open to anybody who is 17 to 23 who is out of work and out of school. The second division is the youth team which is here with us today. The youth team is modeled after our regular program and is a community–based alternative to training school for nonviolent offenders. Basically these are young people who would be going to training school but instead are in our program.

Both of our programs have three main components, work, education, and community. Corps members go out every day and work in a structured crew of eight to ten with a supervisor on important community projects such as building a Habitat for Humanity house, painting pipes at a city water plant, clearing a creek out, coaching Special Olympians, and

helping out at a elderly facility. Corps members are paid for their work starting at minimum wage; rules are very tough. If a Corps member comes late they are sent home for the day. It is a structured environment, not a hand–out program. Every afternoon Corps members come back for education where they can work on a high school diploma, basic literacy skills, getting into college, or working on a GED. The education program is certified through the public school system.

The third part of the program is community. We want every Corps member to become an active member of their community. That's why they are here with us today to learn about what they are doing. When they are old enough they register to vote, and they all get library cards and they do special community projects.

The Service Corps is an independent, non–profit funded through a full public/private partnership. The results over the past three years have been real impressive. Eighty–nine percent of our graduates in 1993 went on to get jobs or to go on and further their education. The Corps members that graduate the numbers don't always tell the full story. We have Corps members who go back and convince their parents to go back to school. Corps members go back into the schools and talk to younger kids about the problems they have gone through and serve as role models. We expect the Youth Team members who are to have the same success we have seen with our regular program over the past year. As an added benefit for the youth team this program here costs a third of the cost of training school. What we have seen and what has been seen nationally is that this can work. We have been in the *Wall Street Journal*, we have been on national public radio, we have had people from the federal government come down to look at Durham as a model program. I think that it is something that can work on a state–wide level. Thank you.

**REMARKS BY GWEN CHUNN**
**Director**
**Division of Youth Services**
**North Carolina Department of Human Resources**

I am Gwen Chunn and I am director of the Division of Youth Services, Department of Human Resources.

I listened to all of the previous speakers and I would like to say that we really don't have a lot to argue here. These kids cannot change without your help. And the system cannot respond without the necessary resources. Today, we've got more than 730 kids in training schools and about 50 backed up in detention centers awaiting placement. In 1992, we had 114 revocations of conditional release; in 1993, we had 184. What that means to us is kids aren't staying long enough. And they can't stay if we don't have any place to put them.

Training schools you must remember, take the kids that the judges send. I often say to people we don't go off on the streets recruiting kids to sign up. Though we do have parents who call us without fail nominating their kid for admission to training school. Detention takes the kids that are sent. We have no choice.

Unlike the Department of Public Instruction and the Department of Corrections, there are no adjustments in the budget made based on the number of clients to be served. So whether or not we have 630 kids that we are staffed to serve in training school, or more than 730 as we have today, we've got the same budget. So, we pack them in.

Our people are trained as subject to the North Carolina Criminal Justice Education Training and Standards Commission, some of the best trained juvenile justice professionals in the Country. But the problems is, you can't do treatment, if you are obliged to do only custody. And when we have more youngsters than we have provisions for, we can only do custody. That's why a lot of people say training schools don't work.

Training schools don't work because tonight at Samarkand Manor where we have 170 kids, we're going to have 12 to 14 staff to cover those kids. At the Pete Thompson Multipurpose Home that we built out of the prison bond money there's going to be 8 kids there tonight and there are going to be about 3 people on duty. So if you look at the resources, you can understand why the small facilities do a better job. They've got to have the resources to get the job done.

They also have to have the least—the leeway to decline to accept more than their stated bed capacity. Since the twig was bent back in the '70's and we had more kids than any other state in the Union, and since the institution of the Juvenile Code, in the Division of Youth Services, we have gotten our academic and vocational programs accredited by the State Board of Education and we have maintained that accreditation. We are among fifteen percent of the juvenile training schools in the Country accredited by the American Correctional Association and I might add when we did that we were not overcrowded, but if they came today, we'd lose it in a heartbeat.

With the prison bond we were responsible in upgrading our facilities and building small 8–bed units, that were going to serve low–level kids, who have committed low level crimes. But the bottom line is we understand there's got to be a balanced approach. The communities will always have more kids to send us than we can provide for. And many of those kids can be more effectively served in the communities, but we've got to have something for them to do. That's why the Governor's Save Our Students Program is so exciting those of us in the Division of Youth Services. It's going to get kids off the street.

We learned back in 1977 when we had higher juvenile arrest than we have today, that the secret is to get the kids off the street. At that time our response was to start the Eckerd Camp, the community–based alternatives program. The Governor's One–On–One Program followed later in 1982. So, when you get right down to it, we've got to have something for kids to do if we are serious about improving their lot.

Secondly, we've got parents nominating kids for our facilities because they are helpless in what to do. If you try to wade through our bureaucracy today first of all they're not within reach of many of the families in high–risk neighborhoods. We need to bring the services to the community with our Family Resource Center. And whether or not it's providing transition for kids from training school, providing parents support groups or involving parents and teaching them how to intervene with the school systems, we've got to have that resource in the community where people can reach it. The one–on–one programs speak for themselves. Out of 1,269 kids served last year only seven went to training school. You know why? Because that's a one–to–one relationship four hours a week. I don't have to share it anybody else except me and my mentor, and that's why it works. Remember, the bottom line here is that we have got to have a balanced approach.

There are kids committing violent crimes who have never been socialized. Not only do they feel no remorse, which must be taught, but these kids don't have the basics sometimes, just of hygiene and how to take care of themselves. Which we find ourselves teaching them when we get them. Yes, those kids need to stay with us longer. But those kids that can be effectively served on the front end of the system, through the Governor's one on one programs, through the SOS programs, Save–Our–Students programs, and then the family resource centers, and the Eckerd Wilderness Camping Program, we need to provide that for them. So, we're relying on you to understand that this is a complex issue that requires balance. We have to do both of them in order to get the job done. Thank you.

**REMARKS BY REBECCA DAVIDSON**
**Director**
**Dobbs School**

Mr. Chairman, members of the panel. Is that better? [referring to the microphone] I am Rebecca Davidson, facility director, Dobbs School in Kinston. First of all, I would

like to express my appreciation this morning for your support for the $9 million to DYS for the renovations that are underway at Dobbs School. I have been in the system for almost thirty years. And this has been the most frustrating, the most depressing, and the most stressful year that we have had, I believe, in the training schools, caused in part to the violence that we are seeing among our youngsters and caused in part because of the assaults that we see among our employees and among our students who enter the training school system.

We're hopeful that the renovations will relieve us. We are overcrowded at this time, and we have employees on our campus who are sometimes working alone in buildings that house 40 or more youngsters on the campus. This is not fair to the employees and this is certainly not fair to the youngsters that we serve. We're hopeful that the Governors crime package will be supported by all of you, and that we will have hope for treatment and more discipline on our campuses and among our students. We do not have effective custody or do we have effective treatment programs when we cannot deliver the services that we need to deliver on our campuses. Yes, we are understaffed, we are overcrowded. But we are still hopeful and we know that we can do the job if we have the resources and the employees to do it with. We are not recruiting students for the training schools. But we are seeing those that we do receive, we do not have a choice in that. We take and we commit those who are sent to us through the courts of North Carolina. And when they're committed to us we are expected and we want to do a good job and improve the services that we have with our youngsters. We cannot do that without available resources and without the number of employees that we need to deliver these services to our students.

Currently, we have instances where our staff are assigned two wings that is isolated for other students. And in such cases the juveniles sleep on wards and in dormitories and therefore are not locked. This makes for an unsafe place for employees and for staff. This again, is not fair to those of us who work in the field and would like to do a better job with our youngsters.

In one case last year, we had one of our employees who was seriously assaulted and attacked by a youngster who had been committed to us not once, but three times. This employee suffered an attack to the skull and was brutally injured to the point that he is no longer working with us. He is out on worker's compensation, and this was very serious and we are very sorry for that incident. This is only one situation and one case of assault that we have on our campuses, not just at Dobbs School but the other four training schools as well.

Our training school was constructed and was opened in 1944, for 300 female youngsters or more. On that campus we had only facilities to house female students. Only until last year, were we awarded the money to renovate a campus that was built for male students in 1944, and now we are seeing a difference on our campus. We need to be able to keep up. We need to keep our demands open and we need to be able to meet the demands of our population. And we're not able to do that now.

It is really distressing for all of us on the training schools campus to see and know that we could make a difference in the lives of the youngsters that we serve, but sometimes we begin to get really distressed because we don't have the employees or the resources to do what we would like to do in treatment programs and to do what we need to do in custody. Youngsters should not be allowed to come into the training school and re–offend and victimize our employees, the same as they did in the community. We have an obligation not only to our staff and to our students, but we have an obligation to the community, as well, to restrain, to restrict, and to provide the security and the safety for everybody that need it.

And I would just say to you that my recommendations to you would be that we need the available resources, we need additional staff to provide individualized treatment programs for our youngsters on our campus. We need a balance of all of that.

**REMARKS BY BETTY JEAN ALLEY**
**Chief Court Counselor, Retired**
**Judicial District 30**

I'm Betty Jean Alley and I am from what I refer to as "God's Country," the 30th Judicial District with the seven westernmost counties. I was interested in our District Attorney, my good friend, Charlie Hipps, has already spoken with you so it will be maybe an ear–opener to see if we are repetitious. I trust we will not.

I'd like to share with you what a court counselor called and told me the other day about one of her favorite children who had been, she'd been called because he had been truant, and this was most unusual. And so she called him and said, "What in the world's the matter?" and she said, "Are you sick; what's the trouble?" He said, "Yes, I am sick." And she said, "Well, what is the problem?" And he said, "I am sick of school." I think that we have to take a look at where we have come from and I have had the real privilege for the last two or three years to help author a book on the history on the juvenile justice system in North Carolina, which is presently at the binders. So I'm going to briefly tell you a little bit about what I learned through writing that book and what I learned as being a Chief Court Counselor for twenty–two years in "God's Country," those seven westernmost counties of our State.

Since its early beginnings in 1868, when the *North Carolina Constitution* authorized the State Board of Charities and Houses of Refuge, Corrections and Orphanages, our State has had a history of seeking and addressing what is in the best interest of the child and the community. And the protection of that community. Children from age eight, in those days, had been confined in State penitentiaries with adults. Between 1869 and 1909, our Governors removed more than 150 children from adult prisons through pardons. Legislators, like yourselves, passed the 1950 Probation Courts Act, which established juvenile probation. And categories of delinquent and dependent children, placing a juvenile offender in a State or county training school. Providing separate detention for juveniles to prohibit their conduct with older, hardened criminals. North Carolina, since 1934, has been progressive in trying to meet children's needs and to be responsive to them. We have conducted countless number of studies to help us improve our services in the State and in our communities. We have responded to the results of the studies. And thanks to our legislators, like yourselves, and our elected State and local officials, and our dedicated professionals who work with our troubled children and families, we have made a great deal of progress when you look from whence we came.

Why there are many, many issues that confront juvenile justice today, I'd like to highlight what I consider the two major ones. And it's been a real privilege for me to hear what my colleagues over here have said. I'd like to join and echo amen to a lot of the comments that have been made. The two major issues to me at this point, after the years of service and my gray hair, and the privilege of working with our children and our staff, are: "Where is the community?" and "Where is the family?" Since it takes a whole community to raise one child we must recognize the diversity of our State. A narrow set track cannot meet the needs of children from Murphy to Manteo. The issues in isolated Graham County, which has the highest unemployment rate for the past three or four years, followed generally by Swain County, its neighbor, are not the same issues faced by our large cities. Programs suggested and made available state–wide often cannot be utilized by poor counties. And I'll give you an example of what I mean by that.

The community–based alternative program had in place for us the money to bring into Cherokee County, Murphy, North Carolina—you've heard of Murphy to Manteo and this is as far west as you can get in Murphy—a one–on–one badly needed volunteer program. That County tried hard as it could—and I worked my little self to death trying, too, to work with them—could not put those funds together to match the State funds for the needed one–on–one program. There are differences in needs of our cities and our rural areas. And we need to serve cities and counties and country areas.

In its 1950 study of the North Carolina juvenile justice system the National Probation and Parole Association stated the following: "The child from the hillside farm and the one from the coastal fishing village have the same needs for services and right to services as the child from the crowded streets of a large urban center. And the rural family torn by disunion and emotional conflict is just as damaging to its children as the urban family with the same problems."

It is important that we strengthen and strongly support increases in the funding for the local community–based alternative task forces. These are the only earmarked State funds for undisciplined and delinquent youths. Providing programs that the county decides it needs, and, therefore, they plan and they develop those programs and carry them out. Local decision–making really works. In the first quarter this year, 75 percent of admissions to the CBA programs state–wide were from juvenile court and law enforcement; 69 percent were referred to CBA programs from the court; 5.3 percent from law enforcement.

Plans are on go as I understand it for two new Eckerd Camps, one of the most successful programs we've been fortunate enough to have in this State, and twenty–five additional volunteer one–on–one programs which is one of the reasons I cited you the situation in Cherokee County, they can't afford it and we need to get them the money. And I know that we could if it was available. The 30th District, the seven westernmost counties of the State have been fortunate to have CBA funds to help us provide and keep open a group home and one of the six small multipurpose homes has been available up there. CBA has helped us meet needs of children deprived of services that the parents and the county cannot provide.

Cooperation between agencies working with the child and family is critical and essential. We have to get away from the turf of agencies and come together. We've been very successful in doing that in the 30th District and I attribute the fact that we do not send children to training school, to this multidisciplinary approach of local agencies. It's a interagency collaboration on cases, its possible, and it needs to be utilized. Fighting over dollars, powers, control, and turf must give way to how can we utilize joint agency resources to stabilize and help this family. Having community agency staff who work with children, lawenforcement,courtcounselors,schoolpersonnel,healthstaff,socialservicestaff,mental health staff, meet together as a multidisciplinary team to discuss and plan for a total family's needs. To plan for joint service delivery to remediate the family and the child's needs. Positive outcomes for children result when parents and agencies plan together and we have proof of that.

Where have all the families gone? We need to hold parents more accountable for the health, academic deficiencies, the antisocial and unlawful behavior of their children. They need to participate in the treatment and remedies of their child's health, academic deficiencies, their antisocial and unlawful behavior. Statutes should require parents to attend and participate in individualized family and/or group counsel, counseling, to strengthen their parenting relationship, communication, conflict resolution skills. They need to be more accountable for the health, academic deficiencies, antisocial and unlawful behaviors of their children. They too must be accountable for any weapons used by their child in the commission of a crime. We can't expect a child to comply with a court order without the involvement of the parents. Court counselors need to be trained in family counseling work and we need intensive work with children and families. The court needs the authority to hold the parents accountable for that child's actions. Herein lies on of our very best methods to strengthen our strong desire for early intervention and most especially for putting emphasis on prevention of crime. It's family work that will help us do the prevention we need to do.

I want to thank you for the opportunity to add one more sentence. While the family is often and generally part of the problems of a troubled child, it is also the major key to the solution of the problem.

**SENATOR BASNIGHT:** Very good. Every one of you is very good. But, before applause, we got time, we're going to take time ...(inaudible)...we don't have any time but we should take time for questions.

**SENATOR CONDER:** Thank you, Mr. President, and thank you members of the panel. I've listened yesterday and up to this point to most everybody, and, what I hear everybody saying is that we need to find some way to address the lack of parental involvement by those children's' parents, guardians, or what have you. We cannot legislate religion as much as I'd like to sit here and say we could, I agree with you, we do, we can't, legally the Supreme Court won't let us. I would like to sit here and legislate morals, but we can't do it.

But, what I would like to challenge each of you to do, and others like you, is to come back with some specific ideas and suggestions as to how we can put in legislation, responsibility, and accountability goals and rules for parents to adhere to. We've got laws now on the books saying that if a parent is responsible for their child, if they have done physical damage to property, I believe it was changed last year, for $2,000, that's a pittance. What I am interested in, is not damages of dollars and cents, but I am interested in damages. We're sitting here today and we talk about providing programs, more dollars, to accept the status quo. Well, I submit to you here today, the people of this State, and rightfully so, are not going to allow us, for this to continue, and rightfully so. What I would like to ask you to do, and I challenge each and every one of you, to sit down and brainstorm and give us some ideas that we can put in legislation to make those parents or those guardians responsible for that child, and if not, they are going to pay some penalties. Would you help us do that? Thank you.

**SENATOR BASNIGHT:** Thank you. Senator Winner.

**SENATOR WINNER OF BUNCOMBE:** Thank you Mr. President. I would like to address this question to Ms. Chunn and Ms. Davidson. And I need to make a little preface of it to the Body. The Juvenile Evaluation Center in Swannanoa is one of the six training schools in the State; one of the largest ones, I think. And I had a meeting Monday morning with the Principal of the School there and with one of the teachers. We spent about an hour talking about one issue, and that was, the teachers in that Training School, at least, being assaulted by the people who were confined there. What they told me was that five years ago, that that was almost unheard of out there; that it was a rare occurrence that a teacher was assaulted by one of the juvenile delinquents who was confined in that place. But that now, it is weekly, at least, and that in the last month, there's somebody out there, one of the teachers got their skull fractured, and one had their nose broken, and they blame this—I don't know whether it's, you know, who knows—they blame this at least partially on understaffing. But I want to know—the staff was never in, other than the teacher, in the classroom with them where these things are happening—what solutions you all have that we could enact to deal with that problem?

**MS. CHUNN:** Senator, that part of what we have taken into account, with the Governor's crime package, about eighty of the positions that we have proposed will be a JEC. We realize because that will be the largest institution with some 220–odd kids there, that we cannot continue to operate as we did five years ago when we had a population of 168. That has been the gist of what we are saying today. If we're going to have more violent kids, then we've got to have the personnel. We have the training already, but we've got to have the personnel to be able to keep everybody safe; the kids safe, and the staff safe. And right now, we can't do it unless somebody understands that we are really in desperate straits. And what the Governor has proposed here is an opportunity for us to address that effectively and, at the same time, create that balance that keeps kids who don't need to be in the system, as a community in the SOS Programs, and the Wilderness Camps, and the Governor's One–on–One Program. All of those things, we know, work over time.

**SENATOR WINNER OF BUNCOMBE:** Mr. President, can I ask a follow–up, please? I still, if you only have one, regardless of how many personnel are out there—if you only have one teacher in the classroom with a class, it seems to me that there's got to be something more than personnel if we're going to protect these teachers. And if we don't protect, them, we're not going to have any more teachers out there. I'm sure they're only going to put up with so much of that. Has any thought been given into having some way—I know you all have security folks out there—some better communications, having TV—video monitors, or some way where if there is an assault that other personnel can get there fast? Is that part of this program?

**MS. CHUNN**: We have already begun to look at providing what we call personal alarms to our staff. But that requires, again, having somebody that you can turn to that will come and rescue you. The problem is the larger the class size, just as in the public school system, the greater the probability that kids are going to act out. As Ms. Davidson was saying, when she's got one person sitting in Reed Cottage with forty kids, they actually sit there and say things to you like, "There's forty of us, one of you. You know, we could hit you in the head and be gone." And increasingly, that's what they do. So, when you get to the point that the classes are too large, the kids know that they can overpower. The students, remember now, none of these kids want to be there, except those who have decided that home is so bad that they'd rather be in training school than to be at home. And that's what Mr. Speight talked about when he said if we don't provide some transition back to the community and some support at the community level, what happens is these kids walk back into the very same situation that created them in the first place.

So, the need for, let's say, having two language arts classes instead of one, would give us enough ability, then, to guarantee a little bit more safety. If we have the additional staff, you can also remove kids who are a problem, and provide other alternatives. Right now, we don't have it, because we don't have a provision to adjust the budget based on the influx of kids, and the Department of Public Instruction and the Department of Corrections both have those provisions.

**SENATOR LEE**: Mr. President, as a former juvenile probation officer, this sounds like a long rerun, but I am fascinated by Mr. Dunn's position on training schools. What would you have us do if we moved away from the training school concept to respond to those kids who need some kind of incarceration?

**MR. DUNN:** About sixty to seventy percent of the people in training schools now, as I understand, are there for property crime violations. I think that most of those children could be as effectively, and perhaps more effectively, dealt with in community–based programs where, especially if their parents could be involved. Of those that are violent, what we would recommend is the creation of small, secure, intense centers around the State. Other states are going in this direction, and are providing much more therapy, much more treatment for those violent young people than we're providing in North Carolina right now. And they are separating the violent from the non–violent. Right now, we have mixed them all together.

**SENATOR ODOM** Mr. President, I've enjoyed all the comments, and I wanted to follow up on Senator Conder's suggestion of asking the panelists to give us some additional information, and I wanted to leave you with these two thoughts, and get you to respond, if you would. First, Judge Jones touched on the problem we have with trying to treat some of these kids, and he mentioned the example of the kid that we spent $80,000 on, and then came back to the community and at first it looked like things were going to be really wonderful, and then, next thing you know, that person has participated in a very, very violent crime. And the question I have is, what would you suggest we do with the kids that are in that situation of where they need some treatment and it looks like we're spending millions and millions of dollars for out–of–state treatment programs because we don't have them here, and yet they don't seem to do any good? That's the first question I would have all of the panelists to try to address, any suggestions that you may have.

The next one is probably more difficult. But I'd like your thoughts on this, because what we're talking about is treating some of the symptoms of society today. We're treating the end result of the problem that I think, first of all, is what do we do with babies having babies having babies, that wind up being abused and neglected. Now, let's just cut through all of the rhetoric, and what do you do to stop the cycle? And I'd like for you to be very blunt when you put this in writing. And the second, and a couple of you touched on this, and some of the other speakers also, how do we remove from our children's minds the conception they get from television, from movies, videos, that violence is an accepted part of our culture? How do we stop it, and do it within the framework of our Constitution? Because the studies show that our kids are growing up thinking not only from this, but on the street also, that this is the way you do things. So I would invite those comments from you in some written form. And thank you all for coming and being with us.

[Senator Basnight extends appreciation to the panelists for their participation and dismisses them to applause.]

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**PANEL**
**on**
**VICTIM'S ISSUES**

1. **Ms. Catherine Smith is the Executive Director of the Victims Assistance Network [VAN].**
2. **Mr. John Piccolo is the victim of violent crime; his daughter was murdered while attending UNC–Charlotte.**
3. **Mr. Barry Pruitt is the founder of Citizens Against Violent Crime [CAVE], and is himself a victim of violent crime.**
4. **Ms. Kim Baker is the Executive Director of Mothers Against Drunk Driving [MADD].**
5. **Ms. Sharon Scott is the Executive Director of the Southeastern Family Violence Center in Lumberton, NC.**
6. **Ms. Wanda Bryant is a Senior Deputy Attorney General and the head of the N.C. Attorney General's Office's new Citizens Rights Division. One of the Division's primary areas of focus is victims assistance and victims' rights. Ms. Bryant is a former Assistant United States Attorney from the District of Columbia, where she specialized in the prosecution of sexual offenses.**
7. **Mr. Ed DeVito is Chairman of the NC Merchants and Citizens Fighting Crime. He is a small business owner in Durham and both he and his wife have been crime victims.**
8. **Mr. D. Wayne Harris is the Supervisor of the North Carolina Victim Compensation Commission, which oversees payment of funds from the Crime Victims Compensation Fund.**
9. **Mr. Jim Gallaher is the Chairman of the Forsyth/Stokes Mental Health Authority and a member of the Forsyth County Drug & Alcohol Coalition. His sister was the victim of violent crime.**
10. **Mr. A.A. ("Dick") Adams is one of the original founders of the Victim Assistance Network [VAN], and is himself a victim of crime. His 21 year old son was murdered in Winston–Salem in 1982.**
11. **Mrs. Dianne Greene is a co–founder of Parents Against Violent Enactments [PAVE], and is a victim of violent crime. Mrs. Greene's 16 year old son, Bryan, was murdered in 1993 outside of Millbrook High School in Raleigh.**
12. **Mrs. Lila Griffin is the mother of Officer Eugene Griffin, a Charlotte Police Officer who was killed in the line of duty.**

**SENATOR BASNIGHT**: Will all Members get in their seats, please, and everyone get ready to go. This will concern, this session of our panelists will involve the victims and the victim's issues...(inaudible)...

**REMARKS BY CATHERINE SMITH**
**Executive Director**
**Victims Assistance Network (VAN)**

I'm Catherine Smith, and I'm the Executive Director for the North Carolina Victim Assistance Network. Senator Basnight said our remarks, we should try and keep them at two or three minutes. I was told five minutes, but I was born north of the Mason–Dixon Line, so I could really put the speed on, if need be.

Thank you, Members of the Senate. This opportunity to come and share an issue that I know will provide meaningful redress to a System that has gotten severely out of balance. Its imbalance creates frustration, bitterness among all those whose lives have been altered by a violent act. Simply put, crime victims have no rights. We know from experience in North Carolina and for the Nation, for that matter, that strengthening a statute just doesn't cut it. There's too much uncertainty for crime victims. Statutes change with changing legislatures and changing courts. Statutes say one thing one session, and change to say something different in the next session.

I'm here today to urge you to give crime victims constitutional status. We're not talking about special treatment. We're talking about affording victims of violent crimes a few very basic human rights. Sixteen states have recognized this failure and have amended their constitutions to recognize victims, giving them meaningful standings within the criminal justice system. An additional ten states have pending bills in their legislatures. The thirteen years of experience these states bring to us, is that providing victims with basic rights to be informed, notified, and be present, be heard, has made for a system which truly responds to all parties involved. It creates a fair and more equitable system. Amending our Constitution will provide a fundamental reform that can only be brought about by changes in our fundamental law, the Constitution. Equal rights for victims require equal laws and fair treatment by all those who exercise substantial discretion in the administration of justice. Our criminal justice system was designed to be the fairest in history. The very essence of our system was founded on the basic principle which affords every individual equal rights. Providing future crime victims of this State with the recognition that their rights will be enforced, will be honored, is the single most beneficial thing we can do.

I come here before you today, not waving a magic wand claiming to fix the enormous ills that plague our society. I am here to address its major flaw within our system, a flaw for which all of you have the power to correct. I am talking about the fact that innocent, law–abiding citizens, once they become violent crime victims, forfeit their basic human rights we all cherish so dearly. The very human right that makes this Country so great. As it stands today, victims have no enforceable rights. For too long, mothers and fathers of homicide victims, victims of rape and other violent violations against human beings, have been told that the crime wasn't committed against "you." The crime was committed against the State. And I don't have to tell any of you here today that the State doesn't bleed and the State doesn't grieve, and the State doesn't have to pick up the pieces of a torn–apart life. Crime victims do, real people do—people like you and me do. There's one thing that you can do during this Special Session to truly, truly make a difference in the way our System responds to and treats crime victims. It would be to allow the citizens of this great State the opportunity to vote on amending our Constitution to recognize the basic human rights of crime victims. **[EXHIBIT J]**

**REMARKS BY JOHN PICCOLO**
**Citizens Against Violent Crime**
**and**
**Survivor of Victim of Violent Crime**

My name is John Piccolo and I am here with a CAVE group, Citizens Against Violent Crime. Mr. Chairman, and ladies and gentlemen of the Senate, I appreciate the opportunity to speak with you today. Five years ago, on January 21, 1989, at 3:00 a.m. in the morning, I was awakened by a knock on the door. And as I answered the door, two police officers said, "Mr. Piccolo, are you in good health?" As I said, yes, they proceeded to tell me that my 21–year–old daughter had been murdered. She was a student at UNC–C in Charlotte. I can't describe to you the shock, the empty, sickening feeling that came over me. Unless you've experienced it, it's impossible for you to understand this feeling and to understand the horrible anguish and the grief of losing one of your children to such a senseless and heinous violent crime.

This started a series of events that has caused me to seriously question our criminal justice system. We must change the statutes of our State law that have come to protect the criminal and that make it practically impossible for our prosecutors and our judges to deal effectively with criminals. When they do get convictions, the perpetrators are back on the street in ludicrously short time.

Rodney Montgomery had been paroled two days when he murdered Kimberly. He had twenty–one prior convictions which involved violence, and several were felonies. Over the past five years, my family has had to endure the original tragedy and two lengthy trials. There's no end to it. Not a day passes that I don't think of Kimberly and try to remember her childhood years. What she looked like, and try to vision her throughout her young adult years. I try to picture her face as she appeared during those times, but the only thing that comes to mind, comes to the forefront is her lying in a casket, and that casket being lowered into the ground.

With no disrespect or ill–will intended to this Body, I wish you could walk in my shoes each day and experience what I've been trying to convey here. I fear that it's the only way that would cause you to act swiftly and strongly in correcting faults in our justice system.

I've talked with scores of people over the last five years, and I would appreciate the attention of everyone. There's a message being tried to get across here, and I'm not sure everyone is listening. These people want you to deal effectively with crime and bring change to our State statutes that will allow this to happen. The first trial was eighteen months after the murder. Rodney Montgomery was found guilty of first degree murder, first degree attempted rape, first degree burglary, and robbery with a dangerous weapon. He was sentenced to death and he was supposed to be executed in August of 1990. On technicalities, the North Carolina Supreme Court overturned the sentence and ordered a new trial, which occurred over five weeks in November–December of 1993. Once again we had to relive the original tragedy as it were yesterday. Everything comes flooding back when this happens. We had to witness Kimberly's blood–soaked sweat suit, the 12–inch butcher knife that stabbed her 105–pound body nine times. Although we would not look at them, once again, autopsy photos and photos of the death scene were shown to the jury. We would only imagine what they showed of this heinous crime. We had to hear once again the Medical Examiner describe his autopsy findings, and that Kimberly lived at least three to five minutes after the stabbing as she lay on the floor in her bedroom.

The North Carolina Supreme Court has overturned approximately seventy–three of one hundred or so death sentences. I don't want to be quoted on those numbers, but it's in that ballpark. Many of these are on technicalities in our laws at the State and federal level. It seems that Chief Justice Exum and his supporters on the Court used the position to further

their basic beliefs of being against the death penalty. It's hard for me to draw any other conclusions. I read their opinions in our case. There was no questioning of Montgomery's guilt. There was no questioning at all. The judge was said to have given improper jury instruction during the sentencing phase. He used the words "to a moral certainty," two words that were deemed unconstitutional and based on some case in Louisiana. The verdict was overturned. We polled some of the jurors at the first trial and asked them if this would have made any difference to them and they said no. It's been my experience through two long trials that 95% of the jurors don't understand all of the "leagaleze" and the directions and the complicated directions that they receive from the judges.

During these trials, the jurors are not allowed to hear of the criminal's prior convictions, so they aren't dealing with all the facts as to the danger these people pose to the community. The jury of the second trial in our case found Montgomery guilty once again on the same four charges. During the sentencing phase the jury had four people who would not agree to the death penalty. The judge decided it was a hung jury and, by law, had to impose the death sentence. I am told that Montgomery could be eligible for parole in as little as **19** years. They say **32** to **36,** but I'm told it could be **19** years, and he was given life sentence plus 120 years for the other charges.

As my wife and I left the court building, we were greeted by Montgomery's family and relatives who were jeering us, dancing in the street, singing "Victory, victory." They did this in the face of him just being found guilty of these heinous crimes.

In closing, I beg of you to talk with the district attorneys, talk to the judges who have strong convictions and who want stronger actions against crime, and find out the statutes and the technicalities that exist in our system that are preventing them from doing their job and making a travesty of our system. These are the ones that can give you that input. I can't give it to you, because I'm not expert in that area. But these need to be changed so that they can do their jobs, and not have the same people coming before them again and again.

**REMARKS BY BARRY PRUITT**
**Founder of Citizens Against Violent Crime (CAVE)**
**Victim**

My name is Barry Pruitt and I'm with Citizens Against Violent Crime, an organization that began in April of 1993. We have membership in every voting district in the State of North Carolina. I need the help of the panel. If everyone from my left down would please stand. If all of you would please stand, thank you. Senators, take a look and imagine yourself as a 12–year–old and these people as 12–year–olds. Within your lifetime, these are the only ones that will not be victims of violent crime and perhaps die as a result of it. That is a statistic. Thank you. I can't live with that. My boy's three and a half, and I'm not going to wait for some type of social program to cure someone in ten or fifteen or twenty years, and hope that in the meantime, he's not hurt.

So, let's take a look at the figures. The Alcohol, Tobacco and Firearms Bureau says that common criminals commit approximately 160 crimes per year. The National Institute of Justice says each crime averages $2,300 apiece. Multiply that times 160 crimes and you come up with $368,000 per year that it costs each North Carolina citizen who is victimized by crime, by us letting criminals loose on our streets. According to the FBI UCR Report in 1992, for every 100 crimes reported in North Carolina, 5 people went to jail. Thirty thousand (30,000) inmates were admitted last year to our prison system. If 20 weren't caught and convicted for every 1 that went to jail, and when you multiply the 30,000 criminals and replace them with the 30,000 victims that were victims of their crime, you come up with a potential for 600,000 victims every year in the State of North Carolina. I will grant you, many of them have been victimized more than once. They may not be

new 600,000 victims, but nevertheless, most of them are law–abiding, innocent citizens of our State. So hear my suggestions. It's time to get out your pen and pencil, or read the transcript.

No. 1 – Scrap the cap. Get rid of it. Build now, and eliminate the cap on our prisons. Why? Well, first of all, let's get ourselves out of the national and international media as a State that's soft on crime. Many of you may not be aware, the *New York Times* said in January of 1993, "With expenditures on corrections quadrupling in the 1980s and continuing to rise sharply, the North Carolina Legislature last week began considering a plan that would reduce the average criminal sentence in the State by eighty percent. And send non–violent criminals to community programs for supervision, treatment and work. Now whether you believe that's true or not, that's what the national media says about our State.

But perhaps you may not know that within the prison system, every inmate has access state–wide, nationwide, and internationally, to a magazine called *Overcrowded Times*. You can imagine what their purpose is. I'll show you a copy of what it looks like, and in their version, October 1993, they specifically list eight states that they have targeted as "soft on crime" and, therefore, may be ripe for the picking for criminal–type playgrounds, if you will. One of their main purposes, maintaining prison and jail populations within rated capacities, and thus at constitutional levels. In other words, allowing the states to find alternative means of incarceration rather than building prisons to lock up the people who break the law. Specifically, they listed the States as Arizona, Illinois, Indiana, Nebraska, **North Carolina,** Oklahoma, Oregon, and South Carolina. Folks, we're on the "hit list." And it's all because we're not known as a State that's hard on crime. We're soft on criminals.

**Suggestion No. 1**—an answer to space is not just more buildings. You've gotta find a way to better manage what you have. We're in business, and the Department of Corrections is big business. *Correction Magazine* came out with an article, March of 1993, that specifically shows that North Carolina averages $4.71 in 1992, higher than the national average, per day, per prisoner, for incarceration costs. If you multiply that by the 21,400 prisoners that we have, you will find you have an additional $94,200 per day to spend to incarcerate prisoners at the national average, if you would bring the Department of Corrections within line. That means 1,941 prisoners per day can be afforded, based on the money we're spending now. That's fiscally sound management. Suggestion No. 1 require the Department of Corrections to operate at national averages. Who can tell me the smallest facility in North Carolina for incarcerating? Someone give me a figure. Seventy–five. I have a list here with me today. The Wilmington Residential Facility for Women—fifteen inmates is the maximum. Folks, there's something wrong with that. And you can cure it.

**Suggestion No. 2**—Refuse to build new facilities unless you're consolidating old facilities, otherwise make sure you're adding on. Last year, with $87.5 million, beside consolidations, we approved five brand–new facilities at the suggestion of the Governor and Franklin Freeman. I suggest to you that if we cannot operate 92 facilities fiscally within national averages, then we certainly cannot manage 97 facilities. We are told that too many facilities drives our costs up, so I would say to you, let's consolidate and let's add on to existing facilities.

**No. 3**—Courts are suggestedly run in shifts across the State. You have night court, drug court, and specialized courts that we're looking at right now. Public safety works three shifts. Two prisoners can share the same bed on 12–hour shifts; eight hours for sleeping, three hours for private time, one hour for transition. Let's build, or spend our money on building common areas, and instead of building new facilities, find ways to better utilize the one that we have.

**No. 4**—Require all able–bodied prisoners to visibly work, on road gangs and where the public can see it, as a deterrence to crime.

**No. 5**—You have used privatized prisons out–of–state already. Begin considering, once again, privatizing prisons in the State of North Carolina, and incorporate that into a long–range plan for solving the crime problem in this State. And in the event that you're concerned about dangerous felons, then use the private prisons for misdemeanants.

**No. 6**—Expand boot camps use, and in doing so, separate violent offenders from the non–violent so that they're not going to school at the public's expense.

So, now, let's talk about your constituents. Yesterday I'm sure every one of you had at least one more victim in your district. One victim yesterday while we talked about solving crime. Parole is an annual event; once someone becomes eligible for parole in the State of North Carolina, the people who are the victims of the crime, like Mr. Piccolo and half of the other people up here on this panel, are subjected to that parole review every twelve months. I suggest to you that you can save money, you can save workload on your Parole Board, you can listen better to victims by changing that to every twenty–four months for violent offenders. Do not consider them for parole on a twelve–month cycle, but change it to twenty–four.

**Suggestion No. 2** for the Parole Board — People in the communities do not know who's coming back. District Attorneys often get notice late, most times incomplete, and there is no other source for a community to find it. Run legal notice, just as you would any other legal notice, in the community where parolees, or potential parolees, are going to go. And make sure it's run 30 days in advance so that the community may respond in like kind to those who commit heinous crimes that they wish not to have back.

**No. 3**—Victims should have the mandatory opportunity to testify before the Parole Board if they request it, and that is before decision is made, and that currently cannot be done. So let's go back to the potential 600,000 victims across the State that I talked about. Innocent, law–abiding citizens in North Carolina deserve better treatment. Sixteen states, as Catherine told you earlier, have passed constitutional amendments protecting rights of the innocent citizens who have been victims. So, number one, pass a victim's rights amendment. Number two, pass a law requiring court–ordered restitution at the time of sentencing. Number three, permanently fund Victim's Compensation Fund. Every year we talk about giving another piddly amount, and three or four million dollars may not seem piddly to you, but $3 million of that money's already been committed to citizens who were afforded the right of Victim's Compensation, but it wasn't funded, so they don't have the money. That leaves a small amount of money, if I'm not mistaken, $800,000 for future claims. Permanently funded, and it can be done through either Court fines, or take a look at prison industries and let the prisoners, as they make a profit, pay for compensation to the victims in the State of North Carolina.

I could not solve this, or share with you all my thoughts in five minutes. You folks are certainly not going to be able to solve the crime problem in the State of North Carolina in a Special Session, but we can get serious and take long–term steps. I believe it's time we quit being known as the State that allowed Michael Jordan's father to be murdered and his subsequent retirement to come about, on a nationwide basis, and instead let's be known for better quality of life and opportunities, opportunities based on public safety. Thank you. **[EXHIBIT K]**

**REMARKS BY KIM BAKER**
**Executive Director**
**Mothers Against Drunk Driving (MADD)**

Hello. My name is Kim Baker, and I'm Executive Director of the North Carolina Mothers Against Drunk Driving. I want to thank you for this opportunity to speak to you today. The mission of Mothers Against Drunk Driving is to stop drunk driving and support the victims of this violent crime. We support the victims by providing them with guidance

and information about the criminal justice system, advising them about victim impact statements and victim's compensation, as well as working with them through their grieving process. Since MADD was first organized in 1980, the proportion of alcohol–related traffic fatalities have declined thirty–six percent saving 58,000 lives, but still, drunk–driving is the most frequently committed violent crime today.

In 1992, 534 people were killed and 13,059 were injured by drunk drivers in our State. Our plan is another 20 percent reduction by the year 2000. We will do that by continuing to focus on education, youth issues, sanctions, self–sufficiency programs, and responsible marketing and service of alcohol. We cannot accomplish these goals alone. We need your help and your support of the Governor Hunt's crime fighting plan. We want to thank you for taking a step in the right direction the last legislative session, and passing the .08 ABC law. It is already proving to be effective. DWI arrests are up and more impaired drivers are being taken off of our highways. But through the repeat DWI offenders, that law will not be sufficient. The only answer to that problem is treatment. So, both Governor Hunt and Lieutenant Governor Wicker propose that the DART Program (Drug Alcohol Recovery Treatment) at Cherry Hospital be expanded. It is a 28–day intensive substance abuse program that only 100 of the approximately 500 inmates who are incarcerated for multiple DWI offenses, go through each month. And we support increasing that number to 400 each month. Repeat DWI offenders in the system would receive treatment from an already highly successful program, and that would open up more spaces in the prison system for other violent offenders.

Secondly, we ask that you focus on support of the rights of victims of all crime. While defendants have constitutionally guaranteed rights, victims have none. We should not slight the innocent victim their basic human rights while focusing on the alleged or convicted criminal. Victims should have the right to be informed of, be present at, or heard at criminal proceedings. Victims should have the right to speak at a guilty plea or sentencing hearing. Victims should have the right to be informed of any plea negotiations, and victims should have the right to be notified of a defendant's release from incarceration. Currently, victims have statutory rights which are unenforceable and not guaranteed.

Thirdly, victims should be put first. The Governor proposes adding funds to the Victims Compensation Fund and our organization fully supports that. According to the National Highway Traffic Safety Administration, the average cost for an injured victim of an alcohol–impaired crash is $68,000; and the average cost of a fatal injury is $7,000. Many times the drunk driver does not have insurance and victims should not have to pay. And really, criminals injured while committing crime should be prevented from using any victim funds. We have in the past sent the wrong message to criminals. Let's change that. Once again, please support the Governor's crime fighting package and send the right message to the citizens of North Carolina.

**REMARKS BY SHARON SCOTT**
**Executive Director**
**Southeastern Family Violence Center**
**Lumberton, North Carolina**

Hello, I'm Sharon Scott, and I am Executive Director of Southeastern Family Violence Center in Lumberton, North Carolina. President Basnight, other distinguished Senators and leaders of our State, I am the voice of battered women and battered children today. The group that makes up the largest homeless population in North Carolina. Violence pervades contemporary American society. We're bombarded with it daily. There's crime on the street, crime in the home, legitimate crime from the military and police, wars, and violence on television. And of all of these ways of learning about and experiencing violence, you and I, as well as all of the other citizens of our State, are at greater risk of being killed in our home by our own loved ones. This is the crime of domestic violence, and as a

consequence of this revolving perpetration and societal acceptance of this problem, our State is full of victims.

North Carolina ranks in the top 20 percent of all the States in the United States for the number of battered women's programs. That's good. We have 64 domestic violence and sexual assault programs in the State of North Carolina, but we have 100 counties. And therefore 36 counties do not have their own programs. As lawmakers, you can and should support bills that would fund counties that do not currently have a program, and thus have no formal way or effective way to deal with or handle family violence in their community.

North Carolina also ranks in the bottom 20 percent of all the states in the United States for the amount of money appropriated by the General Assembly. Domestic violence programs receive $17,500 from the State and approximately $13,000 from marriage license fees. As lawmakers, you can and should support bills that would increase the State appropriation to at least $30,000 per program.

In order for our State to provide greater protection for victims of domestic violence, we must mandate stronger penalties for the crime of assault against a female, such as mandatory arrest, mandatory jail sentence if found guilty, and mandatory participation in abusers programs. And a more expedient method of handling cases. We need laws that would protect battered women who move to another State and then find that their protective order is not good until quote "he does something." Let's hope she lives from the "something" that he does.

We need you, the legislators, to institute a state–wide central registry with the police, the judicial system, and the Department of Probation, so that violators of restraining orders or protective orders are immediately arrested. There's greater likelihood of arrest when police officers know the record of the offender. This registry would also make it easier for judges to know if there is an imminent danger of harm to women or their children because the registry would provide civil and criminal information about the offender, as well as outstanding warrants.

Loretta Jackson, a 22–year old was killed by her ex–boyfriend in the presence of her 3–year–old son in Robeson County on February 5, 1994. Her case has been all over the news these past days and I hope that many of you have had a chance to see that. She sought a restraining order from the Clerk of Court's Office, only to hear that she could not obtain this protective order if she did not have $50. We need to amend the law that grants a protective order to women who receive AFDC to include working–class women, or women who are dependent upon their husband's income. We should be charging the abuser with this fee if he is found guilty of the charge brought against him, but at the very least, we need to have a waiver or pauper form in place for women who are caught in the middle. This was a senseless murder, and our laws and court system could have made a difference in saving Laureate's life.

Of the 16 murders that have taken place in Robeson County since January 1, 1994, 11 of them have been between family members. Women are going to continue to drop charges, retaliate against their abuser, and be killed until we make it safer for her to tell. And our children will continue to emulate the cycle of violence their parents lived, and see violence as a legitimate way to handle life's problems. Until they're able to see our State government being serious about the crimes that are committed in our State.

I thank you, Senator Basnight, for granting me this opportunity. I leave you with this final thought. How will we ever know world peace when our families are constantly at war? Truth on earth, **peace** on earth begins in the home.

**SENATOR ODOM**: One quick question of the lady who just spoke. Did I understand, did you cite a statistic that you've had 24 murders in Robeson County since January 1 of this year?

**MS. SCOTT** – Sixteen (16). Yes.
**SENATOR ODOM**: Sixteen. And you said over half of those were domestic–related?
**MS. SCOTT:** Eleven of those have been between family members. And the majority of those, between husbands and wives, or boyfriends and girlfriends. Extremely high, and dangerous.

**SENATOR LEE**: Mr. President. Did I understand that person was denied a restraining order because of inability to pay $50.
**MS. SCOTT**: Yes, that is the case, and it's my understanding that the family has also filed a lawsuit against Robeson County Court System. There is a *pro se* system that is in place, and we really appreciate your support in passing that bill. It has since been changed, last year, so that women who receive AFDC are not approached about even paying that $50 fee. The problem is that there are a great deal of women who at the time they find that they need that protective order, don't have that money to pay. And the Clerk of Court's Office is bent on receiving that money for the State, and turning people away and not allowing them to get the restraining orders that they're due to have protection.

**SENATOR SANDS**: Let me ask—I don't know who to ask, but it's my understanding that the in *forma pauperis* position for waiving the fee is there for any type of civil action, including this one. If that's not the law, we need to know it, because we certainly thought, I certainly thought, I think everybody else here certainly thought that was the law, that if you don't have the money, you are unable to pay, then you are not prohibited from filing a lawsuit, and there's a form that the Clerk's office has all over the State that you can do it without the filing fee. Maybe somebody out here can answer that for me, but I certainly thought that was the law—well, people back here say it is the law. So something must have gone wrong, because I think we have done what we need to do as a General Assembly to put in place what you're complaining about.
**MS. SCOTT**: Certainly must be a misunderstanding on those individuals that have the right to carry that through. I do thank you.

**SENATOR HARRIS**: This question is to the lady from Victim Assistance. In my county, about four years ago, this man went into Shelby High School, killed his girlfriend, shot her eight times. He is going to be—by the way, he has a child by this girlfriend—he is going to be released July 15 from the prison system. He wants to get parental rights. Will he be entitled to victim assistance?
**MS. SMITH**: The question Senator Harris?
**SENATOR HARRIS:** Well, this is—this is his child that I'm talking about and when he's released after only serving four years. Now, he went in the Shelby High School—first, buying a gun at the pawn shop and then going to Shelby High School, right into the school system—shooting his girl friend six or seven times. Now he's going to get out after only serving four years. And it's my understanding he's going to try to get parental rights for that child. My question is will he be eligible for victim assistance?
**MS. SMITH:** No. No absolutely not. Yeah.

**SENATOR CARPENTER:** Thank you, Mr. President, I'd like to ask Kim Baker a question. Did you say the most frequent violent crime committed today is drunk driving, related to drunk driving? Could you elaborate on that just briefly, please?
**MS. BAKER:** FBI statistics. And I think sometimes people don't think drunk driving is a violent crime. But it's a very violent crime that kills and maims thousands of people each year.

**SENATOR ALBERTSON:** Thank you, Mr. President: Some of you have mentioned restitution and as you know that is not one of the punishments that's listed under our State's Constitution. How important is restitution to someone who has been victimized?
**MS. SMITH:** I think it's very important. If we're going to look at a criminal justice system that that instills individual accountability and responsibility then it's a very important aspect of a sentence.

**MR. PRUITT:** As a add on, it's very possible that that would cut the expense of the State in supporting, adding psychological help and all the other support factors that are already in place to help victims who cannot pay for it themselves. Restitution from those who commit the crimes might actually give them the funds to take care of themselves rather than us as a community having to support them.
**MS. SMITH:** And oftentimes it isn't the money issue; it's the principle behind that.
**MR. PRUITT:** I think it also serves to give the confidence that you talked about in the system.
**MR. ADAMS:** I feel that restitution is a very important part of the healing process.

**REMARKS BY WANDA BRYANT**
**Senior Deputy Attorney General**
**Citizens Rights Division**

Good morning—afternoon. My name is Wanda Bryant. I'm a Senior Deputy Attorney General here in the Attorney General's Office. I am directing a newly created Division called the Citizens Rights Division. We have a number of concerns that we're dealing with in this new Division. Many of them relate to victims' rights in general, child and elder abuse, hate crimes, open government, environmental crimes, health care reform; we're looking at a drug courts programs, and safe neighborhoods strategy. In addition to be involved in litigation and appellate work, we are also involved in providing some technical assistance to victims and citizens across the State. One of the things that we have been doing mainly with respect to victims and witnesses is information and referral. But in addition to that, when we receive calls, complaints, and letters from victims we're seeing some similar complaints among a number of them. Some of those involve the criminal justice system and in fact the majority of them involve the criminal justice system.

We have complaints about overcrowded court dockets, that it's taking too long to get cases to trial and disposition; that the system is not giving enough prison time to violent offenders; many people are upset that the prison sentences that are given are not true sentences. They want to see increased victim assistance; increased compensation, victim compensation funding. There are a number of parole victims that we here from regarding parole matters. There's a huge outcry regarding early parole and I'm sure you've already heard today about some of that. But victims are very concerned about the paroling of violent offenders. They are very concerned about repeat offenders being released early and allowing to and allowed to commit additional more violent crimes such as murder and aggravated assault. Their concerns range from bitterness toward the offender for what he's done to their loved one, the injury that's been caused, and the survivors of homicide victims. They fear retaliation, many times.

In the Attorney General's office, Citizens Rights Division, we have a number of programs that are helping to address some of these issues. Our safe–neighborhoods strategy is designed to use existing resources among private businesses, the public, private industry, to bring together components that can provide for a safe neighborhood. The drug courts program and the down–sizing of courts that the Attorney General has spoken about should have some great impact on matters of concern to this Body. The down–sizing of the courts should allow judges to be allowed to provide trials for the more violent offenders while the less violent offenders are tried by magistrates. That would help in reducing the time it takes for cases to come to trial, therefore reducing the emotional toll that the system has on victims. The drug courts program should reduce the victims, victimization by 25 to 600 crimes, because we found that between 25 and 600 crimes are committed by drug users each year. That is property crimes, such as burglary and theft, and also violent crimes such as robbery. The drug courts program that has been outlined is designed to make these drug offenders less likely to become repeat offenders because it's designed to give them treatment and to give them some job skills and educational skills in order to decrease the likelihood that they will revolve back through the system. That we feel in real numbers, in terms of victims means at least 25 to 600 less victims per year.

As I indicated in the Citizens Rights Division we have a number of ongoing programs that we have—are already using and that are already planned to use community volunteers. We feel that prevention is a very big method of preventing further utilization. We have programs using community victims and child abuse and elder abuse, in particular. We intend to use community volunteers in our Safe Neighborhoods programs. We think that this volunteer community is a very very big resource that could be tapped that should not be forgotten by this General Assembly as you consider the violent crime agenda. We're finding that most people who are volunteering their time would rather see would rather pick up a good idea and find a way in which to resolve crime, than to pick up a gun and resolve crime in that way. So we would ask you to consider that on your agenda. Thank you.

**REMARKS BY ED DeVITO**
**Chairman**
**North Carolina Merchants and Citizens Fighting Crime**
**Victim**

Thank you for the opportunity to come here. My name is Ed DeVito and I'm Chairman and Founder of North Carolina Merchants and Citizens Fighting Crime. And I also own a restaurant in Durham. I'm pondering what to say here. I've been involved in this thing for a year and a half. And it's gotten to me in a lot of different ways. I've had to hear a lot from victims. People that didn't have money to bury their relatives because the Victims Assistance Program didn't have any money for them. So they couldn't even bury their own relatives. We have people in the galleries here today that have been raped. One lady from Wilmington was brutally raped, bitten all over her body, punched, beaten up. The guy got 40 years, got out in 6 and came back and went after her again! Is that right? Who's responsible for that? The State Legislators are responsible for that and the Governor and the State is responsible. Somebody has to be held accountable for these people getting out of prison and coming out and committing these horrible crimes! And it has to be you because you run the State. We trust you. We trust you to help us and to keep us safe. But we are not safe today.

Now, there's a big difference between the crime problem and the safety problem. The crime problem is going to take a long time to solve. And there's a lot of things that have to be done on a community level to solve them. But what about the safety problem? I would invite all of you tonight to come to my restaurant when I close it up. First thing you'll have to do is you'll have to look out all the windows to make sure nobody is floating around to hold you up. Then you'll have to shut off all the lights and very carefully go out. And look around the edges of the building to be sure you won't get shot. And then you can run to your car and run to the bank and make the bank deposit and hope you don't get held up over there, or shot and killed. That's the reality of what we're living today.

When they break in my restaurant and they did it four times, after the third time I couldn't report the loss because I would lose my insurance. And what am I going to do? Close my restaurant? Lose my insurance? That's what would happen. I'm not alone in this. There are thousands of small businesses that don't report their losses, because they have break–ins after break–ins after break–ins and if they reported it they would lose their insurance and be out of business. This is a very serious, serious problem we have here.

Not only with violent but with nonviolent crime to. We can't take it anymore. We're at are end. We need help. Now we talk about the prison cap. I say eliminate the prison cap. And you say well we can't, it's federally ordered. It is not federally ordered. It was a settlement agreement reached by the State between the criminals. And we satisfied all of the conditions of that agreement. Now, our group took out a lawsuit to fight that particular cap. And it's still in court. It's been stalled around, but we're trying to get it in court.

The point is, you say okay the federal government will come in and take over our prisons. Well, fight them, or if they want to come in and take it over, then let them come and take it over. They operate at a higher efficiency than we do. They operate at 165% We don't. And logically, if you say you can't do that, the structured sentencing bill that you've passed, you know what? The prison cap doesn't apply to it. So if the prison cap doesn't apply to the structured sentencing bill how come it applies to this particular law that we have now? Doesn't make any logical sense to me. Okay, how come? I'd like to know the answer to that one.

I'd also like to know who wrote this structured sentencing law up? Because under the structured sentencing law today you can go out, if you have no prior record, and you can molest a child, abuse a child, prostitute a child, and not go to jail because you don't have enough points. We're putting points on criminals! And this law has reduced tremendously the sentences for a lot of crimes; assault with intent to kill use to be ten years—it's two and a half or probation. I can put an ax in somebody's head and I can not go to jail. And I'll get four points for it. What are we doing? I don't understand this. It's totally insane to me. How people can sit down and write a law that allows this to happen. Okay, you took away the habitual felon thing, and you said there's a habitual felon now, if he commits three robberies, two of this, three of that, then he's a habitual felon. I can't understand it, I really don't understand how people could sit down and do something like that!
**SENATOR BASNIGHT:** If you'll give recommendations, not questions directly.
**MR. DeVITO:** Recommendation No. 1: Remove the prison cap. Recommendation No. 2: Change this; change it so it protects us and keeps us safe. And please keep in mind there's a big difference between the safety problem and the crime problem. We all want to solve the crime problem. But to do that we have to be safe. If you keep the criminals off the streets, you will have a chance to have the crime prevention programs work. If those guys are out there selling drugs on the corner and you institute crime prevention programs, they're not going to work, because the guys are still there selling their drugs, enticing the kids into their networks. But if you get them and lock them up, repeat offenders cause most of crime. Lock them up, put them away and institute crime prevention programs at the same time, you'll have a chance for this whole thing to work. Thank you.

**REMARKS BY WAYNE HARRIS**
**Supervisor**
**North Carolina Victim Compensation Commission**

My name is Wayne Harris and I am Supervisor of the North Carolina Victims Compensation Program. Members of the Senate you are here today because crime continues to be a serious concern of all North Carolinians. It affects not only the quality of life in this State but, therefore, it remains one of your highest priorities. All of you can take pride in the many things you have accomplished in our fight against crime and one being a program you've heard mentioned by each Speaker, the North Carolina Victims Compensation Commission. I believe all of us here today know that crime victims can never be truly compensated for their suffering. Many of them not only suffer physical or emotional trauma that happens in their daily lives, but they also must endure outrageous medical bills, lost wages, and many other financial hardships.

You created Victims Compensation in 1987 and we are headquartered in the Department of Crime Control and Public Safety. The main thrust of the compensation program is quite simple. To reimburse innocent citizens who have paid out of their own pocket medical expenses and lost wages as a result of being a victim of crime. We can pay a maximum of $20,000 per award, except when the victim dies and in that case, we can pay an additional two thousand to survivors for funeral expenses. Ninety percent of our claims paid average less than a thousand dollars, but the other 10 percent average over $5,000 and utilize over 50 percent of our funding. And that's why '92–93, there were sixty thousand reported assaults in North Carolina.

Members of the Senate, I submit to you here this afternoon, we could very easily double the number of applications that we receive each year, very easily by promoting the Program through the news media across the State. And this is the only way that victims will know about the Victims Compensation Program. It's the only way that your constituents will know that help is available should they become an innocent victim of crime.

Currently, we are receiving around 1,500 applications per year and we normally run out of funds to compensate these victims in November of each year. Only five months after the fiscal year starts. Due to a lack of funds we are still trying to pay July 1992 claims. Currently, we have over $500,000 of applications. Over almost four hundred applications that are ready for payment right now—today. But no money to pay them. However, through our own initiative we have established a procedure to negotiate bills with health care providers. And to date, we have saved over a $150,000 and this has enabled us to pay claims that otherwise could not have been paid.

But in addition to the half million dollars of claims we have ready for payment right now, we have over $2 million of in–house pending claims that will be ready for payment by the end of this fiscal year. In addition, we expect to receive another $1.3 million in claims before the end of this current fiscal year. We are currently awaiting our federal moneys, around $570,000. And we should receive these in April or May. But as you can see, $570,000 will not pay $4 million worth of claims.

Members of the Senate, the bottom line is this: the Victims Compensation Program needs its annual funds to be increased. The Fund needs a minimum of $2 million each year of State funds. And that $2 million coupled with a 40 percent match from the US Department of Justice will give us $2.8 million. You as a Body know that you will have tough decisions to make about which program will be funded in this Special Session. Likewise, it is hard to tell a ninety–year–old rape victim that has submitted a claim back in 1992, that we do not have the funds to pay her claim. And I'm not sure when we will have those funds. It's hard to tell a mother of a sexually abused two–year–old child or any innocent victim that funds are not available.

Bottom line, Senator Basnight's giving me a signal here, we need a one–time $3 million appropriation to clear out our backlog. We need a re–occurring $800,000 in addition to the 1.2 re–occurring appropriation now, to settle the claims that we have and to put the Victims Compensation Program on sound footing. Thank you.

**REMARKS BY JIM GALLAHER**
**Chairman**
**Forsyth/Stokes Mental Health Authority**
**Representing Forsyth County Drug and Alcohol Coalition**
**Relative of Victim**

Thank you very much. My name is Jim Gallaher. I'm from Forsyth County. I'm here with several different perspectives. I'm an attorney, Chairman of the Forsyth County Mental Health Authority, and the a—

**SENATOR BASNIGHT:** Speak up.
**MR. GALLAHER:** Okay, can you hear me, can you hear me now? Okay. I'm Chairman of the Mental Health Authority for the Forsyth/Stokes Mental Health Authority in Forsyth County. And then Chairman of the Drug and Alcohol Coalition in Forsyth County, and I'm also a victim. And, I want to share some of my thoughts with you today about these things.

You've heard a lot of tragedies here and a lot of good points and I don't want to dwell on those. I don't think I need to dwell on the tragedies that occur in the families when my sister was abducted on her way to work over a year ago, she was raped, put in the trunk of a car, transported across the State and then—

**SENATOR SIMPSON:** Mr. President, if he could speak a little closer, we can't hear him back here.

**MR. GALLAHER:** Okay. I'll, can you hear me now? Okay? Okay. I'll try to speak up a little louder. What I was talking about was when, as a victim of crime as a family member of a sister who was raped and nearly killed, she continues to be in a wheelchair even today. The person who, her assailant, was released early from prison. Recently we had a police officer who was killed in Winston– Salem. His widow and young child will certainly miss him. His assailant was sentenced to prison for robbery in 1992. He served 10 months and then went out and killed a police officer.

As an attorney, I work with a mother of a victim, a 12–year–old girl who was raped by a 15–year–old boy. He'll probably be out prison soon and he'll go out an commit other crimes. In representing defendants in the system, a lot of criminal charges, I recognize that they recognize and regard our sentencing structure as a joke. Sometimes I'm amazed that they just don't laugh as their being sentenced, because they know they'll be out in a matter of a few weeks. When we look at the sentencing structure it appears to me that we instead of counting our sentences in terms of human years, we count them in terms of dog years. And they know they are going to be out very soon. They're going to come out and commit the crimes again.

The—I think that what we have to do and as my experience in the judicial system is that we need to have the willpower and give the judges the opportunity to sentence people to meaningful sentences. We can't have programs that are going to help people if they can't realize that they're going to be facing some tough sentencing. Tom Keith, District Attorney/Forsyth County was here talking with you yesterday about the DOE program and he may have related to you that in the DOE program it has a high success rate, but if a criminal with a drug or substance abuse problem doesn't realize that he's going to have a longer sentence than what it takes to get through his program then we're not going to have any success.

So, I would convey to you that we need to have a sentencing structure that would reduce the cap when we, the public, looks at what we do and the sentencing and they see what we weigh in the rights of the citizens against the rights of the criminal. It's clear that we coming down on the rights of the criminal in sacrificing the safety of our citizens.

For violent crime, I agree with Governor Hunt that we need to particularly in forcible rape, even though it won't have an impact on the assailant of my sister, I would agree that we have to have the will power for those who've committed heinous crimes, we have to realize there's going to be some people who should not be out on the streets for our own safety. We need to have a sentencing structure that will put people behind bars for a long period of time, not for deterrents. I have never met a criminal who was deterred by the sentencing structure. They either didn't think they were going to get caught or frankly too stupid to think they would get caught.

And then I think at the same time when we're looking at the sentencing and to get to the point where we're sentencing people to a long time in prison, then we've missed some help that we can give them before there and we need to look at early intervention and prevention in order to maybe keep these people away from the criminal justice system in to future. And that means also focusing on young people. And then one final thing, when you asked about the restitution, unless you have experienced the devastation both emotionally and financially when you're a victim of a crime, I don't think you can really appreciate what's involved there. Families all across the State when one person gets hurt, a lot of people get hurt, too. And I know that you can empathize and you can sympathize

and I hope that what you'll do is look at the sentencing structure, get rid of the cap if you can, and help us get criminals behind bars for a longer period of time. Thank you.

**REMARKS BY A. A. "DICK" ADAMS**
**Founder of Victims Assistance network (VAN)**
**Victim**

Mr. Chairman, ladies and gentlemen of the Senate, I'm Dick Adams. I am the President of North Carolina Victims Assistance Network and I'm the Chairman of the North Carolina Victims Compensation Program. During my career with the DuPont(?) I was counseled by many superiors and I in turn counseled many subordinates. One of the little tidbits of wisdom that was passed on to me and I in turn passed on the many of my subordinates, was merely this: "Everything comes to those who have patience if you work your buns off while you wait." I sit here today with a lot of grief, and a lot of gratitude. Grief, due to the circumstance of a single phone call from a police officer with the Winston Salem Police Department. A phone call that changed instantly many of my dreams to nightmares; changed all of my goals and objectives to one single objective, that of pursuing justice for a 21–year–old son, whose life was brutally snuffed out by a shotgun blast on the day before Christmas Eve by an armed robber. Ten years later, after eleven appeals, through the State and the federal court, and I think that is maybe five in the State and six in the federal system, for the killer. For me, that included many sleepless nights, non–stop stress and anxiety attacks, thousands of miles traveled, hundreds of phone calls and unknown numbers of dollars spent, justice was finally served, according to the law—ten years later. Patience and hard work prevailed. But what price have we paid for justice?

In regards to gratitude, I am truly grateful for the day. Because today I am convinced merely by the assembly of this Honorable Body that finally the state of the public safety has aroused a concern of a major portion of our citizens. It is encouraging to know that the voices of violent crime victims are finally being heard, and hopefully our input will be allowed and will be useful in attempting to make our homes, our streets, and our schools safe again. Along with restoring some measure of confidence in our system of justice. I do not have all the solutions to our crime problems. In fact, I don't really think that the total problem has actually been identified, or at least accepted. And from my point of view, you must have or identify the problem before you can solve it. And it is obvious to anyone who reads the newspapers and looks at the evening news or any newscast, that our current programs are not working.

For far too long, the tongues of special interest groups, advocating for criminals have had the ears of the policymakers, and had their fingers in the public till demanding more and more amenities for those among us who choose not to obey our laws. This is for the ever–shortening periods of time that the convicting and sentence to time required to be the guests of our Department of Corrections, and that's politically correct because we don't use prisons or penitentiary anymore. It's Department of Corrections or detention centers. And it's no doubt that criminal advocates far outnumber victim advocates. No doubt where the bulk of the resources are directed.

It is time we step back and view this serious problem from a different angle. And with the words of a well–known commentator, it is time that we turn to page 2; it is time that we hear the rest of the story. Just a few—one or two recommendations.

**First,** I think that we should set about to identify the actual source of our problem and take remedial action. Second, we should make prisons a place of punishment. We must accept the age–old fact that you can't teach old dogs new tricks. You can't rehabilitate that which hasn't been habilitated to begin with. And third, we must, and it is possible according to our teachers in the trenches, identify the at–risk children by the time they reach the first grade and take whatever action and provide whatever resources are necessary

to rechart their courses. Two other things. One is give us, the people of the State of North Carolina, an opportunity to vote on a Constitutional amendment to establish some rights for victims of violent crime.

And the **final recommendation** is to dedicate a fund to properly fund the Victim's Compensation Program. Now, due to the event that caused my presence here today I cannot, in all honesty, say that it has been a pleasure to have this opportunity to express my thoughts in this Chamber. However, I do take great pleasure and consider it an honor to appear before this Honorable Body to speak on behalf of all violent crime victims. And I'll close with this thought. Richard Adams, my son, did not have an appeal. With all the rights that we have, the only right that he has is the right to remain forever silent. Thank you.

**REMARKS BY MRS. DIANNE GREENE**
**Co–founder of Parents Against Violent Enactments (PAVE)**
**Parent of Victim**

Thank you. I would say thank you to each of you this morning. I'm thankful for the opportunity to be here. My name is Dianne Greene. The only statistic that I can give you today is just one 16–year–old that was murdered at Millbrook High School ten months ago. And that single event has changed my life, my husband's life, the lives of my daughters and my granddaughter. When that bullet was fired at Millbrook High School Exchange Park, we were given a life sentence. We became the victims. The young man that killed Bryan will not go on to trial until the end of this month, and frankly, it scares me to death by what I've heard this morning. It really does. I wonder where my rights are. Bryan had none that day.

Someone asked me this morning, "Mrs. Green, what do you expect to say, what do you expect the Senate to do, what do you expect the legislators to do, what do you want to see them do?" At this point, I'd like to say I'd like to see you bring Bryan back, but I know that's not possible. I'd like to see you take the responsibility that goes along with your authority to see that children in North Carolina are protected. I believe in what Governor Hunt has said. I believe in his points against crime, what we need to do to get criminals off the street, and getting children directed into the right paths so they don't fall through the cracks, so they don't become criminals.

But my son was not headed toward a life of crime. Bryan was a fine young man; he didn't use drugs; he didn't use alcohol. He might have skipped a class or so at school, but he was your typical, normal, average, good kid. We don't hear enough about good kids. We need to do something, and I implore you today to do something to protect those children. Bryan belonged to an after–school program. I heard Governor Hunt say he would like some after–school programs set up for kids to keep them off the streets. Bryan belonged to an after school program and he would have been in that program after school that day if he had only been told by the administrators or the teachers or principals, or whoever, to go back into the school, instead of going over to the Exchange Park and watch the fight.

Something's wrong with our system when our children have to resort to fighting to settle something. Bryan used to say, "Mom, you can't walk down the hall. If you happen to touch somebody in the hall, they're going to look at you and say, "Hey, meet me after school." I know that it needs to start in the home, but I ask you today, you have that authority, and I know that if you could just walk in my shoes, or my husband's shoes, it would scare you to death. When I think that the only crime victim that I have ever seen was lying in the hospital dead, and that was my son, with one just little tiny bullet hole in his heart; looked like a little cigarette burn. But it took his life. That young man should not have been at that Park that day with a gun. He should not have had a gun. He had already been through the justice system several times but was never sentenced. "Three strikes you're out." He had already had his three strikes. And my son just happened to be the fourth or fifth strike, and Bryan was out.

That sounds like a good plan, but when you have "three strikes you're out," what about the first two strikes? What about those first two victims? I ask you today to think about those things and do something; act on it today. We don't need it done five–six–seven–eight months from now. And I don't really know, I'm not a politician, and I'm not here as a Republican or a Democrat. I'm just here simply as a mother who lost a child, that asks you, as a fellow North Carolinian, to do something to make our society safe for our children. I don't want to see another mother to have to go through what I have. Thank you very much.

**REMARKS BY MRS. LILA GRIFFIN**
**Parent of Victim—Charlotte Police Officer**

For police officers across the State, juvenile involvement in violent crimes struck a personal note in November of 1991 when three teenagers shot a Charlotte Police Officer who was moonlighting at a local motel. The officer had ordered them off the property for creating a disturbance. One of the boys felt that his manhood had been challenged. He and his friends left the motel, went to one of their homes to get a shotgun, returned to the motel, where they shot and killed the officer. Their attitude after the homicide sums up the attitude of most of the young people involved in violent crimes. After the killing, they went home to sleep, and investigators had to awaken them for questioning. They felt so little remorse that killing a police officer in uniform didn't even cost them one sleepless night. I have earned the right to talk about the murder of Officer Gene Griffin that horrible night in November of 1991. I'm Lila Griffin, Gene's mother.

I'm also a Citizens Against Violent Crime. Allen Gaines, the trigger man; he had a record from age 12 (he was all of 16) of dope, resisting arrest, speeding. He quit school by his own desire. He refused to go to school. He refused to look for a job. He refused all of this. He had a good home. He was a middle class teen–ager from a middle class home. He was not a deprived teenager, as they portrayed him later in court.

Bryan Harris, the same—truancy, drugs, speeding, resisting arrest, for years. Same thing, come from an excellent home.

Mustapha Coleman—this one had a juvenile record a mile long in New Jersey. In and out of jail. His natural father was then and is now serving a live sentence for murder in New Jersey. These boys were sentenced on October 6, 1993.

Originally, Mustapha Coleman was eligible for parole eight days later, on October 14, 1993. Thanks to the parole system, every year I will have to re–live this nightmare. This movie that will be replayed constantly in my mind, my husband's mind, Gene's widow's mind, Gene's children's minds.

The Court never was able to hear about their juvenile records. This is not allowed. All three dropped out of school, as I said, of their own volition, refused to work, etc. In fact, these boys, comparable ages, Gene at age 16 had been working for two years at any little old mowing lawns, or whatever he could do. He had planned—he went into the Army at age–18 so he could become a police officer at 21, where he could further his education, his college. These boys quit because they wanted to. They didn't want the education—they wanted no part of it.

They actually had more material possessions at the same ages than my son had because we had four of our own children; we had three adopted daughters; one, by the way, killed by a drunk driver in 1980 on the streets of Charlotte. We had raised children that were taught to respect property, to respect life. But these boys murdered my son, a police veteran of 21 years, 26 major awards, on the Charlotte Police Department, judged Humanitarian of the Year two or three times, I forget. He's dead, as this gentleman said. He's dead.

These boys will be out in less than seven years if something isn't done. Right after the sentencing, one of the jurors was quoted in the newspaper, *The Charlotte Observer*, his name is Maxton—he didn't even mind giving his name. He said the reason that we did not give these boys that had been convicted of first degree premeditated murder was after all—if they'd been about ten years older, we might have considered giving them the death penalty. But you've got to realize, they had their whole life ahead of them. My son didn't. My grandson, Gene's son, he has no father.

Why are they so protected? I think when they committed that murder, they forfeited their right, but the courts do not think that way.

I would think these things. **Require school attendance** until they're 18 or until they graduate; **rewrite the Juvenile Code** based on today's reality—violent juveniles should be tried as adults, violent juvenile records should be open to the Court and heard before the jurors as a part of mandatory sentencing—**house your violent and non-violent juveniles separately.** Again, we don't want all of them to turn violent, which is a good possibility. **No parole for violent felons,** juvenile or adult. **Change the parole eligibility** to every other year, not annually. At least this will give me some respite from this.

Last, I thank all of you. I thank God for getting to this point in the fight against crime, and it's been a hard one on me. But I think I'm beginning to win. Do something! Lead, follow, or get out of the way and let's get somebody in there that will do it. Thank you. (applause)

**SENATOR SANDS:** Mr. President, I'd like to ask Ed DeVito a question. We talked a little bit yesterday, but didn't have time to get into it, more about the cap bill. And I had said, and I think I speak for most everybody in this Body, all 170 of us, is that if we thought that we could eliminate the prison cap, I feel like in this Senate you'd have 50 green lights up there in no time. My concern is, and you talked a little bit about letting the federal government take over the prisons. Are you aware that if the federal government takes over the prison that we don't have the same ability to go to 160 percent they do, but they actually tell us what to do and what to spend on our prisons? There's no real—I mean it doesn't go into the federal system. That a federal judge somewhere tells us what to do. Are you aware of that?

**MR. DeVITO:** Yeah, if I can answer the question. In the settlement agreement, it makes a provision for a crisis situation. That settlement agreement was agreed to in 1987; this is '94. Things have changed. The federal government and President Clinton and everybody else is focusing on this crime issue. I don't think—in other words, you can reasonably go to the court under the provision in the settlement agreement in a crisis situation and we can eliminate this cap. But even if we lose, let's try to do it.

**SENATOR SANDS:** Now you're aware that the Attorney General has done exactly that, and has filed a motion to try to get us some relief from the cap.

**MR. DeVITO:** Well, no, he's filed a motion to stop it from going from 35 square feet to 50 square feet—that's a big difference between eliminating the cap. Because even if he succeeds, and I hope he does, we'll still be in the same boat that we're in. I honestly believe, in my heart, in talking with all the lawyers that we've talked to, and you can talk to our attorney, and we, all of us in this room, in the whole State will be behind you 100,000 percent. Because the federal government should stop putting its nose in the State's business, and because of this, we have to go around not being safe. We have to stand up and fight against the federal government, and we will support—

**SENATOR SANDS**: I don't think you've got any disagreement with that in this room, whatsoever. But, can you give us some—and this is what happened in Texas, not only did the State of Texas lose control of their prisons, and that is the federal court. I'm not talking about the administration. The judicial branch is entirely separate. But the federal court in Texas said, "You're going to have to spend an extra seven, I believe it was $7 million a day to do what we tell you to do, and in addition to that, they turned loose thousands of prisoners just by the stroke of a pen on the people of Texas. Are you able to assure us that if we do what you say about lifting this cap, that the federal court, not the administration, the federal court will not turn thousands and thousands of these violent people loose on our citizens? Make it even more dangerous than it is?
**MR. DeVITO:** I think that's an absurdity, that the federal government is going to do that. Anybody that believes that—
**SENATOR SANDS**: I'm asking you if you can give us some assurance that it won't. We are here to try to protect the people of this State as best we can.
**MR. DeVITO:** I understand that. But what I'm trying to say to you is, no federal government is going to come in. First of all, first of all in Rufo, up in Suffolk County, it was determined by the United States Supreme Court that overcrowding, in and of itself, was not unconstitutional. When the settlement agreement came about, was nine or ten things that were bad; bad medical, bad this, bad that, but, we're talking about one issue—overcrowding, that is not unconstitutional.

**MR. PRUITT:** May I respond? I've got one additional thought that might set the prison cap aside. When we began considering a $200 million bond issue in 1990, it originally came out in somewhere in the neighborhood of $485 million. A package that might have done it at that time. When it finally passed, barely, as a result of Mecklenburg County, it took until 1993 to allocate all of the funds in this last Session. When you look at that, I don't think there's a one of you here who barely comes to office three years later, after you're barely elected. It passed, the people of North Carolina at that time wanted $200 million spent; at least a majority did. I believe, also, that if you went back to the people this time, based on the mood and the climate, that you'd find a different result. But let me tell you quickly that right now the DOC says, based on the monies you've spent, that we will have a total of 26,026 beds in 1996.

If you take Mike Easley's proposal for safe initiative for people in North Carolina and look on page 3, and I'll leave this with—I forgot the lady's name—but I'll leave this information, you'll see that we are short 151 beds per 100,000 people based on an average of the South, and we are 78 beds short per 100,000 people based on the national average. Either one of those gives you today 5,470 beds, up to 10,570 beds that we are short, just to be average in North Carolina, and we do not have an average crime rate here. So, if we built the prisons, we wouldn't have to worry about a cap.
[EXHIBIT K]

**SENATOR SANDS**: Well, I think we're in agreement with you on it, and that's what we're here to try to do. I am just afraid that if we don't do it in the proper way, it's gonna turn loose thousands of people on this State which I don't think any of us want. And I agree with you.

**MR. PICCOLO:** Senator, a lot of the people are being turned loose already. I think, you know, we're not here and are not able to solve this issue. And our purpose is to try to get these issues on the table. You all have the authority and the wherewithal to get to the right kind of people to figure out what is the best solution. We don't know what the solutions are, so don't turn it back to us to solve it. We're trying to bring the issue up, so—
**MR. PRUITT:** We're releasing 30,000 a year now.
**SENATOR BASNIGHT:** Hold it, hold it.

**SENATOR ODOM:** First of all, I wanted to thank these folks for coming, especially the victims of crime. I know it's a very emotional thing and some of them had told their story a number of times. I've been involved with trying to get more prisons built for a number of years, and I also think the panel ought to be aware of the fact that Senator Sands who was just asking those questions, he and Dennis Winner have prepared a bill to be filed—it may have already been filed—that would call for the people to have a vote in May of this year to have an additional $200 million to build more prisons. They know this because I've spoken with both of them. I think it ought to be $450 million. I recognize we cannot build ourselves out of the problem, but right now we do have an emergency situation.

And I wanted to make two additional points very quickly to the panel. First of all, we are trying to resolve the problem with that consent order and that was entered into in good faith several years ago under the circumstances that then existed, and I believe we will be able to get some relief from that consent order that will help us. The second thing is this, and this is very important, and I think Mr. Pruitt touched on it. If we are able to get the General Assembly to approve of a bill to go to the voters in May or in November for $200 million, or $500 million, to build more prisons—that's the tip of the iceberg, because you take that and then you multiply the same cost every year thereafter in order to keep those beds up. And the question I would ask the panel is, will you help us convince the people to vote for it? Not just for the initial bonds, but if you have to raise taxes to pay for that type of operation, will you help us do that? Because that's a long-term commitment. I'd just like to ask each of you, or by a show of hands how many are willing to go, because the last time, it only passed by 582 votes.

**MS. SMITH:** I'd like to see what we're getting for our buck. I mean, how many beds we got for $200 million that the voters voted on in 1990. No one's giving our folks figures.

**MR. PRUITT:** Based on the funds being spent specifically for new-bed construction, which I would hope would be additions to existing facilities, not a totally new facility, so we could still use the same warden and support staff and some of the same officers to bring our cost in line, I'd vote for it in a heart beat and we'd push it in every city in this State and that's what we heard in November when we were traveling across the State as CAVE, saying let's have a Special Session on Crime so we can concentrate in a bipartisan way. We hope that you understand we're on your team. And we're here to help you, and we will work—I'll work my tail off to help you build more prisons because it's that important to public safety and the safety for my child and my family.

**MS. GRIFFIN:** Senator, excuse me. I have had innumerable people come up to me and tell me, tell them please, for once I wouldn't mind paying taxes. I would feel safer paying taxes like insurance. For God's sake, Lila, tell them, we'll be glad to pay it.

**SENATOR BASNIGHT:** Thank you, Lila. Questions. All right, on behalf of the citizens, we can't thank you enough. To those of you...(inaudible)... family members, there's not anything we can do to bring their return, we all realize that. Maybe we can bring some laws...(inaudible)...new prison cells...what's happened in the past, we can't change, but ...(inaudible)...futuregenerations...(inaudible)...safeandwesincerelythankyouforcoming today...(inaudible)...(applause)

**SENATOR DANIEL:** Mr. Pruitt, if you would make sure your remarks—you gave some succinct remarks and some recommendations. Make sure that they are with the Principal Clerk there.

**SENATOR BASNIGHT:** Announcement—back at 1:30.

February 9, 1994 (See page 23)

**PANEL**
**on**
**COMMUNITY INTERVENTION PROGRAMS**

1. Gloria Vaca is Executive Director of Durham Companions.
2. Dennis Grady is an ASU Professor, First Director of Community Based Alternatives. He will speak about the CBA task force, Watauga County and its role in development of community activity centers for at–risk kids.
3. Carole Hassenflow of Cumberland County Community Based Alternatives (CBA) coordinates youth group homes.
4. Mike Rieder is Director of Haven House, Inc. in Wake County. Haven House is a community based program which includes: a runaway shelter, three group homes, in–home family services, a Governor's One–on–One program, and an independent living program.
5. Michael Pittman is Director of Operation ReStart, a Halifax County CBA funded by the Guided Growth Program within the Agricultural Extension Office. He works after school and week–ends with juveniles on probation throughout the county preventing training school commitments.
6. Kattie Holliday is the coordinator of the Justice for Children Task Force. Ms. Holliday is also the Executive Director of the Children's Law Center in Charlotte.
7. Linda Hyler is the President and State Director of Cities in Schools of North Carolina.
8. Rufus Stark is the Executive Director of the Methodist Home for Children. He will speak to the issue of public–private partnerships as well as the Multipurpose home he oversees.
9. Jerry Ayscue is the Vance County Manager and a member of the Vance County Community Based Alternatives.
10. Dr. L.V. Hackley is Chairman of the Board of the North Carolina Child Advocacy Institute.
11. Rev. David Foy of Raleigh and Dr. Leon White are affiliated with the North Carolina Ministers Mobilization Committee.
12. Louise Davis is the Executive Director of Re–Entry, Inc., and is also the Vice President of the North Carolina Community Sentencing Association.
13. Robert Guy is the Assistant Director of the North Carolina Department of Correction Division of Adult Probation and Parole.

**SENATOR BASNIGHT:** Thank you for coming. All of you ...(inaudible)... I didn't get to speak to you earlier. Very well, I'm Marc Basnight and I'll be, I guess, moderator a little bit today. Just some ground rules that we'll work from, if everybody can hear me okay. We have to keep our comments, we have to close our comments in a little bit. Good to have you here. ...(inaudible)... We are going to have to try to hold it to two minutes, three minutes, or something like that. I know some of you won't listen very well to that, but if you could try to do that it allows us more time to Senate members to actually question you and we generate the conversation that I believe is most helpful for the members. They have some ideas and some thoughts on these very issues that you are so deeply concerned about and even though you don't say it, you'll see them afterwards. So, we haven't had enough time for that. ...(inaudible)...introduction between each other so we can make that occur, that would be very helpful. We thank you, so very much, for testifying before our committee. So, if you'll relax and if you would announce who you are, and who you are with, if you are with any organizations, when we start off to the left.

Gloria, we're going to start with you, if you would just tell us a little bit briefly about yourself and try to come right to the point of what your biggest concern is, and how we can help in the General Assembly.

**REMARKS BY GLORIA VACA**
**Executive Director**
**Durham Companions**

You know how difficult that is for a Latino woman to come right to the point on something. But my name is Gloria Vaca, I run an agency in Durham called Durham Companions. Back in October, an NBC crew was sent to Raleigh–Durham, and we had the dubious distinction of being singled out as four cities, or four areas in the country that had a terrific juvenile problem and we're dealing with it very effectively. The reporters spent a couple of days with us, about 24 hours a day, actually, in my program, visiting houses; they spoke with children; they spoke with our volunteers, and they left with a very different perception of what was really happening in Durham than that which had brought them to Durham. The focus of the finished piece which aired on the nightly news on the "Today Show" was that the Governor's One–on–One Program was actually saving the lives of children in Durham.

Last week one of those writers called me and he said, "Do you know what tonight's lead story is, Gloria? There was a drug bust in Chicago and they've got 19 kids living in squalor." He said, "You know, I don't know whether that's news. I thought we saw that when we hung out with you in Durham. " And I think he meant to be funny, but it wasn't funny to me. Because for someone who works daily with children who live in squalor, you know, that's just not funny. Perhaps the news aspect is that very few of us realize how many of our children live in conditions like that.

As I said, I'm the Executive Director of Durham Companions, an organization with three community–based intervention programs for children. We have a double component of the Governor's One–on–One Program and have been part of that initiative since Governor Hunt first came up with this, and the Governor's One–on–One Program was the first prevention initiative in this country in 1982. In recent years, though, the problems facing our children and the parents have grown to such proportions that we've really needed to expand what we do at Durham Companions. Whereas we once dealt with 15–year–olds, we now deal with—the median age is 11. Ninety–six percent of over the 1,000 children we've helped at Durham Companions, 96 percent have never gone on to commit another crime. And something of which I'm very proud, 100 percent of those children have gone on to graduate from high school.

Our new Durham Impact Program is in its third year. It serves children before they get to court, and all of those children, 100 percent of those children have never become involved in criminal activities. As in all of our projects, each child is matched with a mentor.

We have a new program called Choice. This is a real intensive therapeutic program for children who have been victims of violence, and are there are for a risk of becoming perpetrators of violence, and for them we have an after–school program, tutoring, parenting stuff for the family, a family resource center, an all–day summer and school vacation program, and we use a public health approach to crime prevention with them. Although it's in its first year, we started last summer, we've seen a dramatic rise in the children's school grades, no criminal problems, a decrease in health problems, and really inspiring signs of promise.

To summarize what we do. We teach children how to keep safe. How to do well in school, and we tell them that people care about them. As Governor Hunt said in his inaugural address, we try to break the cycle of drugs and violence, and neglect and abuse and irresponsibility in too many families. But we also try to break the cycle of apathy and hopelessness in too many people in our society.

You've heard about one of our children in our program. His name is Tyrone. I think some of you think maybe Tyrone is made up. Believe me, he spends every weekend at my house. He is not made up. This is a picture of Tyrone. I'll pass this around later. You can keep it. He witnessed the most incredible, brutal murder I've ever heard of, of his father. He witnessed it. He sat there for three hours while they measured it and watched it. He suffers, he's anxious, he's angry and afraid; and when he came to the Choice Program last summer, his sad eyes—he has the saddest eyes I've ever seen—just drew me to him, just as the wild rages that he gets into sometimes, repel many people.

You heard Governor Hunt say yesterday that we have a responsibility toward Tyrone. I felt that responsibility last summer. And one night before we'd matched him with a "Big Brother," I took him out for ice cream, along with my baby. And I dropped Tyrone off and watched him walk off into his, at best, uncertain world. All night I thought about, you know, all the things it would take to keep this child safe and successful through the next five years. Because if you look at statistics, he stands 1–chance–in–25 of being murdered before he's 18. And I take statistics personally, because our funds are so limited, and our waiting lists are so long. In the past year a child on our waiting list, a 13–year–old child on our waiting list, murdered a 92–year old woman, and another child on our waiting list was murdered. And when you've given a eulogy over a casket of a murdered child, it's no longer a statistic. The next morning, after having taken Tyrone for ice cream, for some reason my baby woke up saying, "Tyrone's gone. Tyrone's gone." And I was just filled with this panic that at some point I would get a call one day, that if we don't do something with Tyrone, I would get that call that says "Tyrone is gone."

I want to show you a picture of Tyrone. You know, he's cute, he's sweet, but in a couple of years—society is not perfect—and in a couple of years, people are going to be afraid of him. We all know that. We can all acknowledge that, at least. The next years will be rocky, but we can save him. Given adequate resources and taking on our responsibilities we can save Tyrone, not only that we must save Tyrone. And we must never get that call that says Tyrone is gone.

Before I finish I would like to take a moment to share just two little things. One, is a child's referral form to us and a mother's plea to you. This is a referral form that we have for a 7–year–old boy coming in our program. His mother puts down—"describe the attitude of the youth" and she says "He's a very nice young boy. He likes to stay to hisself and sometimes I just watch him and to see how long he would play alone. Mostly all the time. Since he got shot all he does is pretends to shoot a gun and he talks to hisself." When we asked him he could not read or write although he is in third grade. So, we were writing for him what his three wishes might be. He said "I wish to fly somewhere. I wish I could run away from home. I wish I could stay away from dangerous people." What should we tell your big brother about you? "My name, my address, and where I stay. I don't know—its that I am real handsome and that I got shot by a 38 and a 357." And yet his mom says that "since he got shot all he do is pretend to shoot a gun and talk to hisself." The date of this referral was January 8, 1993. I don't have the money to match this child and since receiving his application his living conditions have even worsened. He's now in a homeless shelter.

I have a couple of more lines from a mother who could not be here—wanted to be here. She said, "I am a mom. I want to help convince you to be very generous in your funding of prevention programs. Imagine yourself at three years old locked in a pitch–black cabinet. Imagine yourself routinely tortured and abandoned by your psychotic grandfather who is your caretaker. Imagine yourself in the middle of violent terrifying raging between your manic–depressive mother and your alcoholic stepfather. Imagine yourself in the darkness and no one comes. Imagine yourself with no friends, no advocate, alone, sad, and scared to your very bones. Somehow I managed to survive the childhood you just imagined. There were no Durham companions for me in 1952 because no one cared or dared to help me. Three children were born to me in a more enlightened age, thank God and people

like you. None of my children have been helped more than my son Gannon. Dan, the companion, walked into our lives with a smile on his face, love in his voice, and a light in his soul, and he lit up Gannon's life with his compassion and attentiveness. He was and is the perfect prescription for my son's illness of the heart.

Now, imagine yourself a twelve–year–old with a dear friend. Can you picture your face relaxing? Do you sense how the world is becoming a more nurturing and friendly place and no longer the enemy? Gannon has become an A–student and is able you function without anger and violence. Thank God for Durham Companions. I needed help forty years ago but Gannon needs you now. Please support these programs. I can't imagine Gannon forty years from now sitting before you still pleading for help for his children. Thank you.

**REMARKS BY DENNIS GRADY**
**Professor, Appalachian State University**
**First Director of Community Based Alternatives**

Thank you, my name is Dennis Grady. I would like to thank Senator Basnight for the opportunity to come before you today to discuss what we might do to improve the juvenile justice system and thereby make our communities safer. The perspective I bring to this discussion is as a father of two boys in the North Carolina public school system; the Volunteer Chairman of the Board of Watauga County's Delinquency Prevention Program known as Watauga Youth Network; as the former Deputy Director of the Division of Youth Services during the first Hunt administration responsible for both training schools and community programs; and as a current college professor who teaches policy analysis and program evaluation.

I read with interest this weekend the statement in the *Charlotte Observer* attributed to a legislator that he had nothing new about how we might reduce juvenile crime in North Carolina. My reaction was "Amen." We have known for a very long time, over twenty years now, what leads a kid to get caught up in the juvenile justice system and what happens after the courts send the kid away to training school. However, I have not come from Boone today to give you a shopping list of interventions that will solve the juvenile justice problems in our State. Rather, I have traveled to reiterate some basic principles about kids and the law that are as true today as they were in 1975 when I first became involved in trying to improve the State's juvenile justice system.

First principle, is that adolescence is and always has been a time of testing limits and experimentation. I believe if we look back at our teenage years we might recall getting involved in something that in retrospect seems really stupid and perhaps dangerous. The major difference between those of us who did not get caught up in the system and those who did is that we had a support system, whether it being a loving family, a church pastor, a caring teacher or another adult role model who cared enough about us to point out the danger of our behavior, to point us in the right direction, and to love us no matter how stupid or careless we were. The point here is that kids will make mistakes. There is nothing we can do about that, however, as public policymakers there is much you can do to enhance the support system that each adolescent desperately needs.

Second point, prevention and early intervention are more effective and much less expensive than treatment and punishment. In Watauga County, the Youth Network is currently serving approximately fifty kids referred to us from juvenile court and the schools within an annual budget of approximately $100,000. For this average, $2,000 per kid, we provide an after–school program with tutoring, recreation, group counseling, a big–brother, big–sister program just like Gloria's, and drug education and prevention programs. Not, one Watauga County kid has been sent to training school since WYN was founded in 1986. Contrast this to sending a kid to training school at a cost of over $40,000

per year with only a 50 percent chance of turning that kid around. And remember, all kids sent to training school eventually go back to their communities frequently angrier and more adept at criminal activity than when they left. As a father of two boys, as a taxpayer, and as someone who has studied and worked in the juvenile system for a long time, I urge to invest our money where it will do the most good and resist the temptation to do the popular, emotionally satisfying thing of locking up more teenage trouble makers

Third, and last, the community approach for addressing juvenile crime means just that—community. And since each of our communities is wonderfully different and each community's approach will and should be different. Our approach in Watauga County perhaps will not work in Guilford or Halifax. One size does not fit all. That is why the Program we developed during the first Hunt administration relied on local people to develop local solutions to solve their local kids' problems. Now, the risk in that approach is that not all communities will work as diligently as others in addressing its needs. And when they don't they tar the rest of us with the brush of ineptness.

As funding for delinquency prevention programming was going up in the late 70's and early 80's, juvenile crime was going down. When funding was essentially frozen in the mid–1980's serious juvenile crime started back up. Before you scrap the community–based alternatives philosophy, please remember that it is working in the majority of our counties and would work even better if we had the resources commensurate with our needs.

I believe that some of you have received a series of recommendations from Mr. Todd Edwards, the Youth Services Director of Lee County, that incorporates these points and builds upon what is working across the State. It is my sincere hope that you will keep these simple principles in mind and study Mr. Edwards' report carefully as you turn your attention to improving our system of justice for kids. My boys, Ryan and Conner, are counting on you. Thank you for the opportunity to come here today.

**SENATOR BASNIGHT:** Thank you, Dennis. We have heard Dennis before.

**REMARKS BY CAROLE HASSENFLOW**
**Community Based Alternatives**
**Cumberland County**

I am Carole Hassenflow, and I'm from the Department of Social Services in Cumberland County. I want to thank you for inviting me today to speak to you about intervention strategies and programs for troubled youth.

I've worked with youth in Cumberland County through the community–based alternative program since March 1980. My previous work experience was as an intake counselor at the Correctional Center for Women here in Raleigh. Everything I saw and heard during those three and half years convinced me that if I could intervene in the lives of children I could make a difference for children and for adults.

Part of my duties as the CBA coordinator was to work with the task force. And this task force put together a continuum of care programs for children. This program included prevention programs, intervention programs, and treatment programs; prevention programs such as the YMCA Nip'Em Program, the Boy's Club after–school program, Urban Ministry's summer camp; intervention programs such as the Police Athletic League, the Housing Authority Drum and Drill Project, two in–school suspension programs, juvenile court psychologist program, and juvenile court restitution program. We had two treatment programs, a 90–day shelter and a long–term group home. Our budget in 1980 was around $200,000. We had a good system. We had a healthy balance of prevention, intervention, and treatment. And of course, we had training school for those who couldn't comply.

Today, we have what could only be called a broken system of too little, too late, and one dimensional. From 1970 to 1985 in North Carolina, CBA experienced a healthy, planned, growth budget. It went from $1 million to $8.5 million during that time. From '86 to '92/'93, we had no growth except a little Jordan–Adams money. That resulted in the programs that were the most cost effective to us, prevention programs, the cheapest programs to implement were dropped. Intervention programs dropped. Treatment programs we had to have because they were for our most extreme cases. We have a broken system.

I see two critical areas that need immediate attention and I ask you to pay attention to them. **One** thing is the Juvenile Code. We need to look at the whole thing we need to review it. I encourage you to look at Todd's package myself. It is a very good package, and he has some very good ideas.

The **second** area, is community programming. The program must include work with the family and the child because we know that if we work with the family the child will follow. We can't keep on fixing children and sending them back to broken homes. We need a balance. We need the balance of prevention, intervention, and treatment, and of course, we are always going to need punishment for violent offenders.

How can we fix this broken system? We need your help. We encourage you to review the Juvenile Code, to look at it and make changes, and I encourage to allocate additional CBA dollars in the amount of $6 to $8 million to develop a healthy balance of prevention, intervention, and treatment programs for troubled youth.

**REMARKS BY MIKE RIEDER**
**Director of Haven House, Inc.**

Good afternoon, my name is Mike Rieder and I am the Director of Haven House here in Raleigh. I have asked the Clerk to place around at your tables a brochure that describes our agency. Our agency is twenty years old, and I have been in this job as Director for sixteen and I have seen quite a few changes in that time. I won't take the time to describe our programs but there are five different ones mentioned in the brochure.

Rather, I would like to confine my comments to what I see as the problems and situations state–wide. I would remind the Senators, if you don't already know it, that our State training schools are at capacity and have been at capacity for some time. Several people closely involved in the training schools have said that as many as half of the kids who are in training school right now could be appropriately dealt with in the community if there were services available for them. Only 30 percent of the kids that are in training schools right now are there for violent crimes, drugs, or carrying a weapon. So, clearly there is room for kids who are being sent to training school to be dealt with in the community.

As a result of the over–crowding of training schools, kids who are committed to training schools are waiting for beds in detention. Half the young people held in–state detention centers now are waiting for beds in training schools—half of them. The consequence for that is that Sheriffs who are given the responsibility to find placement. If a judge orders a kid in security detention, the Sheriff's got to find a place for them, DYS does. Sometime the Sheriff will have to drive all over the State trying to find a secure bed for them. So the system is in a bit of disarray

The third point I want to make to you is that there is a very wide variation among counties at the rate in which they commit kids to training school. Watauga County hasn't sent kids in a long time to training school. Other counties are committing kids to training schools at three–and–half–times the State average. Crime rates do not explain those variances. Possibly the lack of community alternatives do, but the most— they are at least as equally as important as local policy and judicial temperament. Another fact, that I think the Senators need to recognize is that seventy percent of the young people in training schools today

are African–American males. They represent less than 15 percent of our population. I know that there are many factors that contribute to this fact, but I also believe that that statistic says to us as a State that we are failing a very significant portion of our population.

A couple of other observations. I believe that the state–funding policy for youth services encourages communities to send kids to training school and this is the reason. The county sends a kid to training school, that cost is borne 100 percent by the State. The child is out of the county, they don't have to have them in public schools, and the entire cost of medical and everything else is borne by the State in training schools. We know those of us who are in the business, know for a fact that it is far more effective to treat the young person in the community–based program. The success rates of community–based programs vary anywhere from 60 percent to 100 percent I just heard today. Our experience in our own agency tells us and depending on which one of our programs you are talking about our success rates are 70 percent–80 percent variables. We are twice as likely to be successful with a child if we get that child before they go training school, twice as likely. We get the young people who have been to training school and our success rate is half once they've been to training school.

Community–based programs work. They can serve all kids in the community and it seems clear to me that the policy that the State ought to have to deal the crime situation that the Governor has brought before us is to substantially increase CBA funds in the manner that Todd has put before you. Give those moneys to the communities and ask the communities to develop plans to show how they will use training schools only for the kids who need to be there and leave the training schools for the serious offenders so that the training schools can keep those young people who are predatory and dangerous longer and provide adequate treatment for them. The problem right now is when we are sending kids who don't need to be there the training schools do not have the resources to keep the kids there long enough. The average length of stay is eight months. Some of these tough kids are coming out long before they ought to. Thank you.

**SENATOR BASNIGHT:** Thank you. Mike. Senators, if you ever go to Halifax County be ready to go to work. Mike will put you to work. He is a person who has dedicated his life to help children.

**REMARKS BY MICHAEL PITTMAN**
**Director of Operation ReStart**
**Halifax County**

Good afternoon. My name is Michael Pittman. I work for the Co–operative Extension Service in Halifax County. I do an after–school program. The name of the program is Operation ReStart. It is a CBA–program–funded. My program works in the afternoon after school. I have nine schools in the County. The way my program works we deal with courts, juveniles, and I mean every student I have in my program has had a formal violation of the law. I am the Director, I am the Program. I am the person up front every day with my students. I have fifty–three (53) students in my program now. We work on homework in the afternoon; we work on self–esteem; we work on conduct.

In my program, we have some success and some failure. as of right now, we have a 89 percent success rate, meaning that out of fifty–three (53) students I dealt with last year, we only have four (4) new petitions. Our program works in the evening. We have the whole County, it is a county program so it is not what you say a school program; it is a county program. It is a program year round from January 1 to December 31. We deal with them in the summertime. We work on their skills. We do a rope course in December. We went to ...(not discernible)... rope course this past December to ...(not discernible)...their self–esteem. We have worked in the library in the summertime.

You have to be dedicated to a program in order to make it work. When we look at our after–school programs we look at the CBA funding money, we have to have a person in the program willing to make the program work. That is the key issue there. We have a lot of students in our County, which is a rural county—believe me it is rural! We have all type nationalities there. We have two–and–a–half hours drive from Lillington to Hobgood. So, basically, in our County we have nothing to offer our students in the afternoon on Saturday or Sunday. So, basically, my program will offer a chance to do something in the afternoon and all summer.

My program is a program, after–school program in Halifax County. We have three different school systems in our County. We have Weldon School System, Roanoke Rapids School System, and Halifax County School System. The bulk of—one set of my students is court—juvenile court related. We at the program offer, therefore, to students who have been to training school and multipurpose homes, we have something for the students to do once they come out of the training schools and multipurpose homes. I work inside the school system with the students. I sit there and observe them during the school day. I work with them during the afternoon. We do community projects together. This past Monday I did a program with the parents and with the students in my program in Scotland Neck. I carried the parents to the prison to let them see what to expect when their child goes to prison if they don't straighten them out now.

So, hopefully, we find a solution to help Halifax County in their school programs there. We only have one program in the county and that is my program. The way it works is that you have to be dedicated to what you do. We have to love kids. You can't do it Sunday then forgot about Monday. It's a Monday–through–Friday–type thing you do with students.

I always learned that a little love and affection goes a long way. That a pat on the back, I found out, is more than going to training school. I have had students go into training school and we have worked with the students. I have had five in my program that have been in training school and back home now and people say they won't make it. These students have made it. As of March 31, they will be off their probation for a year. These students, so far, have made it and they have showed improvement in school, showed improvement in the community, and showed improvement at home. If we got the chance to do some things maybe we can turn this whole problem around that we have. I am no politician, believe me. I just like working with students, I love working with them. That's my life. That's my commitment to my County, Halifax County. Thank you.

**SENATOR BASNIGHT:** How about questions for any of the speakers?

**SENATOR ALBERTSON:** Mr. President, I have one. Mr. Pittman, I am interested in the fact that this is being done through the Agricultural Extension Office. Is this program being conducted in all of the Agricultural Extension Offices or not?
**MR. PITTMAN:** Yes, sir, it is conducted through Halifax County Co–op Extension Services. Ms. Wanda Fyth is the Director there.
**SENATOR BASNIGHT:** Is it state–wide Michael or just in Halifax county?
**MR. PITTMAN:** We are just in Halifax County. Operation ReStart only deals with Halifax County. It is a CBA–funded program and we work on a budget of about $22,000 a year. That's my salary, time and travel, with the students going to different places, but we make it. Some way we find a way to make it. We only accept court juveniles in my program but it is a shame we only accept court juveniles. Like I said before, prevention is the main thing that we can start doing. We work on prevention we won't have our overcrowded system in the prison system—our overcrowded in juvenile homes or the training schools.
**SENATOR ALLRAN:** Thank you, Mr. President. I wanted to ask Mr. Grady a question. Mr. Grady, just briefly could you run over the private sector vis–a–vis public sector aspects of your community based alternatives program.

**MR. GRADY:** Yes sir. Our budget of about $100,000, $70,000 comes from a combination of funds through the CBA program and then we receive our drug education funds through the State Department of Education. About $30,000 of our funds are raised locally through United Way, through private fund raising. But money is just a part of the involvement of the private sector in our program. For example, all of the volunteers in the One–on–One Program, the local businesses provide, for example Tweetsie Railroad provides passes for the kids and the volunteers to go Tweetsie Railroad. Appalachian Ski Mountain provides an opportunity for our volunteers and our kids to go skiing. We have private sector representation on the board of directors. We are a private, non–profit organization ourselves. We receive government funds, but we are independent from any government agency. The advantage of that in Watauga County is that because our organization exists we are able to work with the Department of Social Services, the Department of Mental Health, the school system, the County Manager's office. We are kind of a spoke in a wheel.

Frequently at the county level, there can be some disagreements among various government agencies and we provide a neutral turf for the various government agencies to come together and talk about specific kids that have specific problems with specific solutions. That is our approach in Watauga County, it might not work as I mentioned in my remarks. There are only 37,000 people in the entire County. We know all of our children very well. It works for us. I'm not sure that this approach would work in a large county like Forsyth, Guilford, or Mecklenburg, but in our case it is. The private sector is intimately involved in everything that we do, but without the $70,000 of public sector support our organization would fall apart.

**SENATOR BASNIGHT:** Senator Lucas.
**SENATOR LUCAS:** Thank you, Mr. President. This is directed to Ms. Vaca. Could you define for us your collaboration and your coordination because it is apparent that you have a high success rate?
**MS. VACA:** You mean with other agencies?
**SENATOR LUCAS:** Yes, with other agencies, right.
**MS. VACA:** We also serve lots of children with a budget of $114,000 a year, and in order to maintain that you have to have collaborative efforts with existing services so you are not all reinventing the wheel. For instance in our Choice Program for the children who have witnessed violence or have been sexually abused we use existing services like Hospice or Rape Crisis; Hospice does a terrific job for us in bereavement, for bereavement services, for instance. We are in partnership with the schools; we are in partnership with substance abuse; we have a partnership with mental health and so all of those services are provided to the children in our program. We put it together and in return we do things for them as we should. But I think if you don't do that you might end up doing things incorrectly and spending a tremendous amount of money when the community is out there and there are existing services to provide some of these really needed things.

**SENATOR GULLEY:** You mentioned waiting lists. I am wondering for either your program or some of the other one–on–one programs what's the experience with waiting lists at this point in time?
**MS. VACA:** Our experience with waiting lists are horrific, and I don't know if other counties are like this. I think that a lot of counties that I have spoken with before coming here are, but our Durham Impact Program which is for the younger child, who is really at risk who is probably in a foster home, we have 117 children waiting. There is no way that I know I can match them this year.
**SENATOR GULLEY:** How many places are in that program that 117 are waiting for?
**MS. VACA:** How many? Thirty–four. Eighty–seven (87) children on a waiting list for our One–on–One Program that can only serve 60. Fifty–two (52) children on a waiting list for Choice which can only serve 34 children.

**REMARKS BY KATTIE HOLLIDAY**
**Coordinator**
**Justice for Children Task Force**

My name is Kattie Holliday, and I am the director of the Children's Law Center in Charlotte, as well as the Coordinator for the Justice for Children Task Force that has been organized in recent months by groups across the State. You heard from Charles Dunn this morning, who is the lobbyist for that group.

Most of the 3,000 children represented by the Children's Law Center are drowning in a sea of abuse and neglect. And that's true regardless of how the children enter the system. It is true for those that come through the abuse and neglect door; it is true for those who come through the undisciplined door. It is true for those who come through the delinquency door, the mental health commitment door, and through school exclusion hearings.

What these children need is someone who will care about them, teach them, nurture them, work with their parents, and give them a fair chance. People like the folks you have been hearing from on this panel, who are working in programs that are really connecting one–on–one with children and the families. As you heard from Mike Rieder, a disproportionate number of children in trouble are African–American males. Many of them believe that there are no legitimate occupations open to them and that the only way that they can make it is to have money and perhaps a gun.

Why are we so angry with these young people? They hurt others because they have been so badly hurt themselves, and they will continue to hurt other people until someone helps them deal with the abuse and neglect that is destroying their lives. The people of North Carolina want children to receive help not tougher punishment. In an April 1992 national poll and in an August 1992 North Carolina poll, commissioned by the Child Advocacy Institute, 75 percent of the respondents said that children in trouble with the law should receive treatment and rehabilitation not punishment. A strong majority in both those polls said community programs were best except for all of the most violent or serious juvenile offenders.

North Carolinians want the Governor and the Legislature to address the problem of troubled youth with measures that will turn these children around not turn them into lifetime criminals. Only 10 percent of the present population in North Carolina training schools are there for violent crimes. We believe that most children can be treated and rehabilitated in their communities through the kind of programs you are hearing about today, thereby strengthening their families ability to serve as the primary juvenile justice system and by teaching young people how to become productive citizens through the use of local community resources.

Our present system of locking children up or placing them on probation simply isn't working. Too few youthful offenders receive these precious community–based family–oriented services that we know can make a difference in these young people's lives. Investing in comprehensive, community–based services that treat and rehabilitate troubled youth, preservice families, and include high–quality educational, vocational, and mental health services is penny–wise and pound–smart. Building more ways to incarcerate young people is pound–foolish.

We believe that the people of North Carolina want to reclaim their belief that they can walk safely in the streets of our State by doing everything in their power to reach out to young people in trouble. That means helping 13–, 14–, and 15–year–olds too, not just 3–year–olds and 6–year–olds and 9–year–olds. I know we can stop blaming these children. It is our responsibility to help these children who can not help themselves. Children who perhaps have been neglected or maltreated or abandoned by their parents and family. If we as a community refuse to accept our responsibility and our obligation to help, this Legislature will be funding more detention centers, more training schools, and more prison beds for many, many years to come.

My overall message to you today is please slow down this legislative train. There is general agreement that what we are doing now is not working. Please support a legislative study that would present to you a comprehensive plan of what will work and have measures that will strengthen children, families, and community. We all know that we cannot solve crime by punishing children. Children deserve a safe future and will get one if this Legislature does what it needs to do, fund programs that address the root causes of juvenile crime; fund community–based programs that will work closely with troubled children and their families, that will emphasize family preservation, and serve as effective and economic alternative to the ineffective and costly training school system that will provide good assessments of children and determine what they individually need that will grow out of local neighborhood and community input based upon what individual communities need in order to develop and strengthen their families; treating 14– and 15–year kids in trouble as adults is not the answer. Do not take away financial resources necessary for community–based alternatives by increasing training school and detention center beds. Fund the kind of programs that you are hearing about from this panel today so that there are meaningful alternatives for children at risk across the State.

Children in trouble don't vote, and they don't have a voice. Our task force is attempting to provide that voice. If you will listen to what the troubled children of our State need, then you can truly do something about the problem of crime.

**SENATOR BASNIGHT:** Thank you, Kattie. As we move along speakers, tighten up a little a bit. We certainly want to hear all you have to say, but we have questions and we won't have time for questions and you will really miss out on what I believe is a very productive opportunity as we exchange our thoughts a little bit. If you need coffee, we have pages on each side that will be happy to get water or coffee. If you need a phone, there is one in the corner. One of you asked for it earlier.

**REMARKS BY LINDA HYLER**
**President and State Director**
**Cities in Schools of North Carolina**

Thank you. I am glad all of you had the privilege yesterday to hear Bill Milliken talk. I am Linda Hyler, and I am the State Director of Cities in Schools of North Carolina and my role is to work with communities across the State to take what Bill talked about yesterday in his talk and put into action across our State. In Cities and Schools or Communities in Schools, we believe that it really will take a whole community to raise a child. But in too many of our communities across the State, the community has not really been rallied to the cause.

Our belief is that it is going to take what I refer to as a Desert Storm approach if we are really going to deal with some of the serious issues in troubled families and troubled children in our community. It is going to take all of us doing the best we can with the resources we have putting them together. In much like Desert Storm attack where we took the best of all the armed services we had a mission, we had a focus, we had good leadership, and we won the war. I think that is what...(not discernible)...we need to bring together what its going to take to change things for our children.

We strongly urge you to support the family resource center because there are far too many children in families in our community who are begging for help. I have heard several questions from Legislators and others asking about parental responsibility. Our parents need help. They need support. Many of the children that we see in our Cities in Schools and Communities in Schools Programs across the State, unfortunately are older children who have lacked that kind of parental support. We have got to help those children where they are and hope that by providing them the support, the love, the caring, the job skills, and the education that they need that they will create the next generation of children that won't be in the same cycle that they have found themselves in.

We believe that the private sector has to be made a major partner. In Cities in Schools are made of private and public sectors working together with non–profit, with churches, with all the other agencies in the community to try to create alternatives. I have been across this State now, this is my fifth year doing this, and I have spent over twenty–five years working with children on the edge, most of it working in local communities across the State; and what I have seen is each community, as someone mentioned earlier, is vastly different from the other. The resources they have in those communities are different, but the spirit of caring that is there needs to be tapped in every community.

And each program may look differently so we are suggesting, recommending, and encouraging that as much flexibility as possible be given to local communities to create the kinds of programs you need at the local level to solve the problem given the existing resources that they have. We are suggesting that we look not at a single alternative school but we look at alternative programs where communities find what they need and then put together the resources. All of the folks that sit on this panel, we consider partners in our efforts to help our youngsters. We consider business and industry, the colleges and universities, children themselves are resources to help other children, and we need to tap into that.

Thank you for the support that you have given us, continue to give us. We hope we will continue to serve as a resource for you which is our role at the State office to provide assistance. Thank you.

**REMARKS BY RUFUS STARK**
**Executive Director**
**Methodist Home for Children**

My name is Rufus Stark, and I am President of the Methodist Home for Children. I want to express my appreciation to Senator Basnight, to you the Members of the Senate for offering us and inviting us this opportunity to come and share with you.

Looking at you reminds sort of the fellow—the house–husband in the supermarket the other day. He had his baby in the seat of the carriage he was pushing. That child was throwing things off shelves and screaming and hollering and kicking and just making a general disagreement of himself. The man pushing the carriage was saying "It's okay, Donald, everything is all right, Donald. It will be all right. It is not going take long, Donald. Everything is going to be fine." The child kept on screaming and hollering and pulling things off the shelf and this lady came up next to this house husband and said "You are the kindest, most thoughtful man in the world that I have ever seen. The way you look after Donald." He said, "Donald? I'm Donald. That's Robert." (Laughter)

That's the sort of situation we are in. You all are saying "Just be calm. You are going to get through the day sooner or later." I appreciate the patience it has taken to hear all of us. I want to express my appreciation to my own two Senators, Senator Johnson and Senator Sherron, for your participation; and Senator Tally is a member of our Board of Director of the Children's Home and gives us very, very strong leadership.

I represent an agency that has been in partnership with the State for a long time in doing human service. In fact, before the State did human service the Methodist Orphanage was doing human service and that was the way human service was done for many years was through the churches alone and fraternal orders. A lot of our people have been in the Legislature and have seen the need for partnership between church and state, and has given rise to the State taking primary responsibility for equitable treatment of all people in the State according to their need. This certainly includes the area of criminal behavior and what we do about criminal behavior. But we share a continuing partnership in this area.

Senator Basnight was with us in Edenton when he dedicated the multipurpose home in Edenton that we operate for the Juvenile Services Division. I am going to tell you some statistics on that program which is an attempt of the Juvenile Service Division which operates the training schools to bring about community–based alternatives. The multipurpose homes, there are six of them in existence now, and they are beginning to make a significant impact on some of the problems we are talking about today. They are very new beginning as of September but we feel right now that it is a very encouraging possibility that might be developed throughout the State.

I have a paper here that I am not going to have time to give, but I would like to, as they say in Congress, have the privilege of revising and continuing my remarks or something like that. If you all could get a copy of that I would appreciate it if you would like to have it. **[EXHIBIT L]**

I want to say that we learned as an agency we became a community–based, private, not–for–profit agency. We were on a campus over here, the Methodist Orphanage, on Glenwood Avenue. We saw several years ago that we could not impact the need of troubled children and families by bringing them all to Raleigh; that we had to go community–based. And we sold our campus and became a community–based organization and we have services throughout the eastern part of the State primarily but we do work throughout the Nation in terms of quality, community–based care for children and families. We have learned some things.

One of the primary things we have learned, and this applies directly in the area of juvenile crime, that in order to address the problems of juvenile crime we must overcome cynicism about the juvenile's family. There is a pervasive cynicism in our society today toward families who are labeled as dysfunctional. And this cynical attitude blocks effective response to the urgent issues of juvenile crime. It is the purpose of my remarks to identify the causes of this cynicism. I will try to do that briefly.

I have observed that everyone in American society claims to be for the family. Have you noticed that? Every politician stands up, present company excepted, I guess, but I believe that all of you would be for the family if I would ask you. We have got people coming to Raleigh from all over the Nation tomorrow that are going to tell you they are for the family. Everybody is for the family. Every preacher that gets in the pulpit is for the family. Every social worker, every clinician, every merchant, every corporate leader, every school teacher, every policeman is for the family and family values. There is great unanimity in support of the family until a family dysfunctions to the point of public notice. The family gets in debt so as to embarrass them in their work, as they say in the Methodist Church; children are neglected; Dad is arrested for public drunkenness or other substance abuse; child abuse is reported; or youths in the family act out in delinquent behavior. When dysfunction attracts public attention then the public attitude changes. "We are for the family you understand, but we are not for **that** family. That family is a failed family." A cynical attitude towards dysfunction becomes pervasive.

When you become cynical about a family you become reactive. Public policy is largely reactive where dysfunctional families are involved. That means that if a family is dysfunctioning you remove the child from the family. You rescue the child so that we "brave, clean, and reverent" people can look after that child because the family is no good, you understand, and we are going to do it for the family.

Second, we look to the dysfunctional family to identify the problem person. We have to go find the culprit, and we identify **the** person that is responsible for the problem.

Then thirdly, we want to put that dysfunctional person, that individual, if he is sick we put in prison if he is evil we put in him jail, we incarcerate him. We try to deal with the problem with an individualized response. And public policy then results—what does it result in? The dissolution of the family. When the family dissolves the State picks up the ticket. We spend our tax money looking after the children of dysfunctional families from then on—not just for a week or ten days or a year but on into the future.

That's what we have been doing time after time after time. The only problem is that dysfunctional family keeps having children. You can look after the children but you cannot stop dysfunctional people from breeding. They continue the cycle. If you do not intervene with the dysfunctional family there is no chance of stopping the cycle of misery that people get into. Now, there are causes for this dysfunction.

I think the primary cause—one of the primary causes is our dependence on the Freudian therapeutic theory. We have gotten into an individualized mode of treatment that comes out of the great values of the Freudian System, but it is restrictive when it tends to emphasize individualized treatment as the purpose of the main resort. This kind of thinking has influenced us far beyond therapeutic models. We are very individualized in our society in that we have become interested in pleasure for pleasure's sake. "How can I get the best for me?" "Look out for yourself baby; if you don't who will? Nobody!" That kind of mind–set is very evident. "You are entitled to have what pleases you, aren't you, whatever it costs?" That is your right as an independent, individual American citizen. That kind of individualism is destroying the ability of the family to survive.

That me summarize by saying that if we can get over cynicism about troubled families and begin to realize that there are ways today to deal with dysfunctional families where we can give encouragement to families to survive that it is possible to make a difference. It is possible right now. We don't have to continue to stack people up like cordwood in prisons. We can begin now if we are willing to put the energy and money into it to work with families where they are. The family preservation program is well demonstrated and the evidence is in that if you work to avoid disruption of children from families, if you can work in home with a family, to avoid disruption you can avoid children being separated and getting into serious trouble later on. Family preservation needs to be funded. You passed it, but you haven't funded it.

The multipurpose, let me comment directly on the multipurpose programs, the six new multipurpose programs that the Juvenile Home Services that the Youth Services has developed. We are serving now, it looks we are going to serve about 84 children a year in each of those homes. They have an 8–bed capacity. They are for detention and also for adjudicated youth who can be served in their judicial district from whence they came, which is community–based we are talking about—84 youths a year—the 6 now, estimated to serve 504 kids a year. This is something new on top of what we had. This is just coming on line. If you have one of those community–based homes in every judicial district, there are 38 judicial districts, you would serve 3,192 children, and those homes have a full–time family worker and an educator keeping the children in touch with their family and the public school the very first day they come into detention. So, what I am saying to you is that's the kind of program we need to do.

There is one other thing I want to mention. I represent the private not–for–profit child care agency, the old orphanage system, throughout the State. Most of these institutions are very strong and have a lot of strong constituents. They have facilities throughout the State, in every part of the State. These agencies really are very interested in working with the State in trying to use their resources to try to treat some of these problems. We've all been treating adjudicated youth and we can do this and that is another opportunity to work in a partnership with. Thank you.

**SENATOR BASNIGHT:** Senators, Rufus is correct and those programs are working very, very nice and the kids are doing well. Jerry.

**REMARKS BY JERRY AYSCUE**
**Manager of Vance County**
**Member of Vance County Community–Based Alternatives**

Thank you. My name is Jerry Ayscue, and I am the Vance County Manager. I appreciate the opportunity to share with you some remarks. I will make them very brief.

In Vance County, I have been involved with community–based alternatives for about a dozen years. We have found in our County that the CBA, community–based alternatives programs, have been very successful. One of the biggest problems we have is that we don't have adequate resources to channel into these programs. We have three programs there in Vance County.

One, is a youth and family alternatives program where we only have 13 slots a year for 13 families or children with their families that we can serve. We have been very pleased with this. These are all court–referred cases and we have 41 that have been referred in the past year but are able to serve only 13 of that 41. In that program, we have had an almost a 50 percent reduction of out–of–school suspensions. We have had 40 percent reduction of the number of petitions filed on those children in this program. Again, a very successful program, a very intensive program for a very difficult situation.

Another program we have is entitled the Friends of Youth. This program has been in existence for ten years and is basically patterned after the Big Brother/Big Sister–type program, one–on–one role modeling. We have found again a very, very successful program here, this limited by funding. We find that one of the things that are needs assessment that was conducted by the Vance County Commissioner's Task Force on Delinquency recently identified the absence of positive adult role models as a major contributor to juvenile delinquency. So, this program attacked that particular problem well. Over the past ten years, court petitions among youth served were reduced by 75 percent, school suspensions were reduced 78 percent. This program serves between 40 and 45 children a year, but we receive twice that number of referrals annually.

The third program that we have is one that is entitled NYPUM Communities Services and Restitution. The community services and restitution component of this is—the program served 56 children last year and this is simply an opportunity for the children who—the adjudicated delinquency, if you will, to go out and to be able to compensate the community and/or victims of their crime and to be able to enhance their self–esteem and understand that there is a price to pay for their actions. The NYPUM, which is an acronym, N–Y–P–U–M, stands for Neighborhood Youth Program Using Minibikes, is somewhat of a novel idea, I guess, certainly at the time it was created ten years ago.

Last year, this program served 74 out of 130 children that were referred. This program takes young boys and girls and put them into some useful activities that are community–based, community–oriented. They monitor their homework, they work with them in school attendance, help them with their school performance in every way, work with their families and as a result that they are successful in following the programs that are laid out for them. Then they can be involved in various activities such as canned food drives for the needy, they have attended various sporting events in the area.

And primarily they have used minibikes that were donated by the Honda Corporation. We have a dozen minibikes that they learn to ride, they learn to maintain, they must know all about those bikes and how to keep them in a good state of repair before they can ride them. Then if they accomplish a certain program goals then they can spend a certain amount of time riding those. They learn safety, and it's tremendous learning experience. Again, it is a very, very successful situation. The children who have come through that program who have aged to the point that they should graduate from high school almost 90 percent of those children have graduated from high school. That is a tremendous, I think, testimony to the effectiveness of that particular community–based alternative program.

Let me say to you that local ownership in CBA that partnership between the State and local government, is very important. As we heard today, flexibility is important. What works in one part of the State doesn't necessarily work in another part of the State. Communities need to help solve community problems and community–based alternative programs allow that. The planning process of which I've been involved for over a dozen years is very sound and accountable. If there is one primary thought that I want to leave with you is that additional resources for community–based alternative programs are essential. Our program statistics demonstrate these programs are very, very successful but the number of unserved children needing our assistance is staggering. These successful CBA programs and primarily the children that they serve need additional funding that will allow them to serve better. Rufus mentioned that the multipurpose juvenile group homes. In our area of the State we do not have one of those in our judicial district we need that type of service badly, so I want to reiterate what he said. Thank you, very much.

**REMARKS BY DR. L. V. HACKLEY**
**Chancellor of Fayetteville State University**
**and**
**Chairman of the North Carolina Child Advocacy Institute**

Thank you, Mr. President, I'm Vick Hackley, I'm the Chancellor of Fayetteville State University and the Chairman of the North Carolina Child Advocacy Institute. I'd like to begin with this statement, that we do not have a Juvenile Justice System in America. That term implies that social justice extends to all segments of a society. If not, you have a system of crime and punishment and both will tend to increase. Right now, this Nation is spending $12–1/2 million a day building prison cells, and I see no—nothing that will let me know that that will change. But just as there is no inevitable relationship between race and intellectual ability, social disadvantages do not lead inexorably to criminal or other antisocial behavior. If you don't remember anything else I say, remember that; that most children in disadvantaged circumstances are decent. Last year, 33,000 children that are Black did not go to jail in Cumberland County. I say that again, because people usually don't hear it; 33,000 Black children did not go to jail in Cumberland County last year.

The question is, what leads children to actualize their God–given potential, both in academics and in behavior? I think, and now I know, in large measure it is a belief, however derived, that this Nation will treat them fairly and provide a path to a decent life that is not obstructed with artificial inequities because of one's ethnicity, economic circumstances, gender, or physical limitations. For example, if you contact children not later than sixth grade and tell them to meet specific academic and behavioral standards on the assurance that there will be funds for them to go to college or that they will be given employment commensurate with their better performance, then they will show better behavior, higher academic performance, greater likelihood of graduating from high school, and a considerably more likelihood of going to college. And, Mr. President, I say that to you because we have included those conditions in the program that was funded through the Legislature to provide scholarships to children early in public schools. And Secretary of Education Riley said that he had never heard of a Legislature funding this kind of program, where you can give kids scholarships as early as fourth–, fifth–, third–grade, if you want to, to tell them what to do and to provide scholarships for them. So, I commend you on doing that. Fayetteville State has one of the grants, and we have put that together in a program, that I'd like for you to have that.

Now, these disadvantaged children, you contact them like that, are twice as likely to go to college. They're more than twice as likely to complete the first year of college, and four times as likely to graduate from college than children who don't get that kind of support. We claim that we don't know what to do, or that it's too expensive to help children, but that's not a lack of knowledge that's bothering us, it's not a lack of money. And a trusted list of studies have proven conclusively that all kinds of children have learned, both

academically and behaviorally; and one, in particular, the High School Perry Study. The 23–year study of Black, poor children, is illustrative that such children can become economically self–sufficient, socially responsible, non–violent adults.

In comparison with similar persons, who as children did not get intensive and extensive intervention activity, please note the statistics of program participants:

—habitual criminality, they are 500 percent better than the children who didn't get those kinds of services, habitual criminality—500 percent better
—drug making and dealing, 360 percent better
—employed and earning more than $2,000 per month, 663 percent better
—receiving social services, between 18 and 27, 148 percent better
—own their own homes, 250 percent better
—years of EMR, 214 percent better.

They have higher I.Q.s at age 7, yes higher I.Q.s at age 7, better school achievement at age 14, and better general literacy at age 19. The net, Black men showed greater adjustment to society, greater social responsibility, a distinct lessening of criminal and other antisocial behavior. They were better able to interact positively with other people and with parents.

Children's participation in a high–quality, active learning preschool program created the framework for adult success, significantly alleviating the negative effects of childhood poverty on educational performance, social responsibility, adult economic status, and family formation. Lifetime benefits is that they brought, one of them, is that they return to the society $7.20 for every $1.00 invested.

With respect to affordability, the cost for prevention should never be calculated with the cost for remedying the situation for failed youth. I need to repeat that. With respect to affordability, the cost for prevention should never be calculated with the cost for remedying the situation for failed youth. Failure to effect better prevention will ensure continued and rising costs for incarceration and rehabilitation efforts. With respect to comprehensive approaches, and that's what we've included in this, everything from parents, to the counselors, to the preachers, everybody is involved in this program around Fayetteville State.

With respect to these comprehensive approaches, community leaders from education, K through college, business, local and state governments, and all other groups and organizations should be brought together locally and challenged to address the following issues:

—to make sure that no child is hungry,
—to provide regular health care to all children and pregnant women,
—to assure sufficient resources to guarantee that schools carry out their mandate to educate every child,
—to ensure that all children start school ready to learn, and that college is within financial reach for all American families,
—to protect children from abuse and neglect, to make streets and communities safe for all children,
—to make families more economically secure, to prevent child poverty—not simply to receive it,
—to assure affordable, quality child care for all working families,
—to provide job skills and opportunities for young workers.

If the program is not comprehensive, if it is fragmented and it is not funded sufficiently, you gonna still have kids falling through the cracks.

**REMARKS BY DR. LEON WHITE**
**(Substituting for Reverend David Foy)**
**North Carolina Ministers Mobilization Committee**

Senator Basnight, and to the Distinguished Members of this Body, I would like to say that I represent a group of African–American ministers across this State, which has a primary goal for safe and just communities—for safe and just communities. We do not believe that building more prisons are going to make it a safe and just community. I don't know how many of you know my history, but I have, for the last 25 years, worked with the United Special Crimes Commission for Racial Justice, dealing primarily with the justice of the criminal justice system. I'm not here today to talk about that. Well, I also worked for eight years with the State Human Grievance Commission. I've also been a school teacher, and have more than 35 years in rural ministry, so I just wanted you to know where we're coming from—

**SENATOR BALLANCE:** Dr. White, put your name on the record.
**DR. WHITE** (continuing): My name's Leon White. Thank you very much. And I would like to express appreciation to the Black Caucus to allow me to go with them last week and welcomed me to go with them last week as they went across Eastern North Carolina seeking to find ways in which we could have safe and just communities.

I think we gotta have a holistic, commonsense approach to the problems of crime—a holistic, commonsense approach. A commonsense approach is not building more prisons, not overcrowding the prisons. The commonsense approach, I believe, holistic, commonsense approach will require the State of North Carolina communities coming together. Half of us can't be for beating 'em up, and the other half of us be for lifting 'em up. We got to come together to solve the problems of crime. A commonsense approach will require, will require, as the Governor recognized, when he called together African–American ministers a couple of weeks ago, will require the involvement of the Black church. And there is no Black community without the Black church.

If you want to reach the leaders in the Black community, you've got to reach the leaders in the Black church. I'm saying that we come here today as a mobilization community that stands ready to attempt to mobilize the thousands of Black ministers and other ministers of this State to solve the problem of crime. Our communities are ready. You know, everywhere we went last week, the communities said we want to do something, but what they're saying that we don't have the resources to do it with. We've got to find a way of bringing together the local community, the Black churches, the civic leaders, our colleges and our universities together to solve this problem. It can't be solved by politicians alone. You go in a courtroom and the judges are frustrated, they don't know what to do by themselves. But together I believe that we can overcome.

Now, a commonsense approach will require us to use the existing resources that we have; the existing institutions working together to solve the problems of crime. Back in the early '60s, and I cannot think of the person who initiated this thought, but it was an outstanding White gentleman who came up with the idea of a Good Neighbor Council. As we moved down the road a little further, we thought we would get sophisticated and change the names of that utility to the Human Relations Council. But what we need in North Carolina is a Good Neighbor Council funded to go from community to community to bring our Judges, to bring our District Attorneys, to bring our ministers, to bring our teachers, to bring our social workers together, to see what we can do to solve the problem.

Now, there was a time when the Black leaders of the community had responsibility for our children. We no longer have that responsibility (not discernible) that responsibility was taken away from us when schools were integrated. Black males, especially, were discouraged and forced out of the classroom—I felt like saying that then, but nobody would listen to our church—but we were forced out of the classroom.

But until you can find a way to put some young Black men in those classrooms, you're not going to solve the problem of crime in this State. You've got to put some young Black well–equipped men in the classroom. I would also suggest that we need to take teachers who are out there moonlighting at night at these shopping centers trying to make some extra money, and pay those teachers to go out into the communities and work with the community. We want to work with the children, but you can't just work with the children to solve your problem. You're going to have to work with the parents. But you've got to have to go further than that. You're going to have to work with the leaders. You're going to have to work with the ministers to help us to get a hand on this situation to solve the problem.

I will be around here until you leave. I will be around here until you leave. I cannot tell what I need to tell you today, but I will be here, and I'm going to give you my phone number if you think I might have a good idea. I'm going to be around here, and if you're not rushing too fast, I may stop you. But if you see me, stop and talk just for a moment. My number is 847–3047.

I come today representing thousands of Black ministers across this State who are saying it is time for us to stop talking and time for us to start dealing with some problems and find a solution. **[EXHIBIT M]**

**REMARKS BY LOUISE DAVIS**
**Executive Director of Re–Entry, Inc.**
**and**
**Vice President of the North Carolina Community Sentencing Association**

Thank you for the opportunity. I'm going to make this very brief. My name is Louise Davis. I'm the Director of Re–Entry, which is a local non–profit in Wake County. I come here also as the Vice President of North Carolina Community Sentencing Association; that is a community penalties program group that—Community Penalties is a non–profit Administrative–Office–of–the–Courts–funded program that also has local match. And I think that in the interest of giving you just a real useful, brief instruction about what Community Penalties does, since it's dealing with an adult population, rather than the juvenile that you've been hearing about, about how prison doesn't work.

This is in the words of Henry Jones—he's a native of Fayetteville, he's currently in the First Program which is a community program in Winston–Salem, North Carolina, and I'm just going to read his quote. I called him before I came over here, because I think you need to understand what prison actually does as compared with what the community–based programs do.

> In prison, it's like a schoolyard. You learn to do a better crime you already know about, or either a different, worse crime. When you're in prison, all you do is lay around or go to school for game time. You may learn something useful during the school, but the system does not allow you to use those skills. When you're ready to get out, all you're thinking about is getting money quick. It's like this, you need money for everything. If you haven't been on work–release then you're thinking about doing the quickest, biggest crime that you can do without getting caught, like selling drugs—easy access, easy sale, and quick, quick expensive downfall. That's the way it is when all you know is the street.

I've been working with these defendants for the last ten years—this is exactly what they think when they're in prison. The other side of the story is that Henry Jones was referred to the First Program two years ago in April. And for the last two years Henry Jones has been working. Henry Jones is sober. Henry Jones has not been a perpetrator.

The way that the people like Henry Jones can be productive is for community–based alternatives, whether they be with children, with families, or with defendants in our community to have adequate resources in terms of treatment and appropriate education and jobs to stay in the community. It's true that people do a lot of damage to our community when they are engaged in criminal activity, but what is more important, I think, as Legislators, you all have the opportunity now to use the tools that you have already passed in the last Session. And I believe that if structured sentencing and the Community Justice Partnership Act are funded and fully implemented at this time, and a very thorough approach is taken to the juvenile justice system, that we will be able to implement what we already have in North Carolina to put together the very excellent, competent, hard–working community–based groups that you've heard today. Thank you for your time.

**REMARKS BY ROBERT GUY**
**Assistant Director**
**North Carolina Department of Correction**
**Division of Adult Probation and Parole**

My name's Robert Guy. I'm Assistant Director with the Division of Adult Probation and Parole. I want to thank Senator Basnight and to have an opportunity to come here and speak today. I have had the opportunity during my career to carry a caseload and work the streets in Cumberland County and Pitt County, and also the opportunity to supervise and manage probation and parole officers in 18 eastern counties, so I feel like I have a pretty good bird's–eye view of what's on the street out there and what's confronting the probation and parole officers of this State.

In order to make our streets safer and restore the public's confidence in the criminal justice system, the Division of Adult Probation and Parole believes three areas of the system must be addressed by the practitioners, professionals and leadership of this State. The three areas are truth in sentencing, adequate prison space, and an equal balance of community resources to control and treat those offenders sentenced to our communities.

The North Carolina structured sentencing legislation that was passed in 1993 has addressed the first area of concern. The second area of concern is the ability of our prison system to provide adequate bed space to ensure that those who are incarcerated will serve a punitive portion of their active sentence before being returned to our communities. This area is being addressed though the current construction of new beds by the Department of Correction, as well as the Governor's proposal to increase prison capacity even more. Our system's ability to punish the violent and non–conforming offender by incarceration is essential to the success of the community correction strategy presented by our Division. The Division of Adult Probation and Parole is prepared to address the third area of concern through the development of a comprehensive community correction strategy for North Carolina.

In an effort to do our part in the fight against crime and violence, we propose the following strategy. **First** point is to plan, develop and establish high–risk probation/parole officers with a caseload cap of 50 per officer. This high–risk officer concept will supervise a growing percentage of dysfunctional high–risk, high–need offenders sentenced to community corrections. These offenders need more control and treatment in the community through better training, reduced caseloads and emphasis on treatment. These officers will be able to enhance the quality of supervision, thus reducing the likelihood of new crime and presenting this problem offender with a more realistic chance to succeed in society. These high–risk offenders fall in between our intensive probation/parole supervision program and our low–risk, low–need traditional probation/parole population. The target group of our high–risk officer concept are substance abusers, sex offenders, developmental disabilities, boot camp graduates, select EHA cases, and the 15–, 16–, and 17–year–old juveniles in our schools who have already been convicted as adults and are presently under our

supervision. All these type offenders require more control, treatment, and enhanced supervision. A footnote to this high–risk concept, since July 1st of 1983, we have been tracking serious crimes committed by probationers and parolees. We have had 286 serious crimes committed by probationers and parolees in North Carolina since July. High–risk offenders that I just mentioned have committed 128 of these crimes. In contrast, only seven of the crimes committed by have been supervised by intensive probation/parole programs. More control and enhanced supervision will have an impact on crime and the success rate of select offenders in our community.

**Secondly,** increasing our present intensive capacity in order to expand to all 100 counties in North Carolina. Currently only 77 counties in North Carolina have intensive supervision capabilities.

**Third,** better utilization of electronic–house–arrest is a priority with the Division. Electronic–house–arrest is an excellent supervision tool and can enhance our ability to control select offenders in the community. Structured sentencing will increase the use of EHA as an alternative because offenders will be less likely to turn down this alternative and elect to go to prison. In the present parole process, electronic house arrest often is not utilized due to the need of the Commission to move with a sense of urgency when faced with the cap crisis. Also, inmates were often refused EHA or intensive; because of the overcrowding problem will require that they be released anyway, without these restrictive punitive sanctions.

**Fourth** point in our strategy is better management and administration of community corrections programs presently under the Division of Adult Probation and Parole. The Division is presently underway in a two–year reorganization plan which will provide more effective and efficient management of resources while eliminating duplication in the day–to–day operation. Our reorganization goal is to maximize our existing resources through streamlining our management structure and specialization by our field officers.

Our **fifth** and final point, research, study, and development of residential community corrections in North Carolina. The residential community corrections programs have been an integral part of the criminal justice system in many States. Programs offered today in other States reflect different primary sentencing purposes, including rehabilitation, incapacitation, punishment, and deterrents. North Carolina policymakers and correctional practitioners need to evaluate and assess the value and cost–effectiveness of developing residential community correction programs. For example, probation/parole violators and post–release supervision are key areas residential community corrections could address.

In closing, the Division of Adult Probation and Parole stands ready to do its part in fighting crime and reducing violence in our communities. In order for us to be successful and have an impact, we must have adequate resources, mainly, more specialized officers to better control the offender population in our community, which now exceeds 105,000. Structured sentencing will greatly increase this number, therefore it is vital that we receive the high–risk officers and expand our intensive program to address our present caseload problem. Our Division is committed to our goal of projecting society and assisting select offenders in becoming productive, tax–paying citizens again. Given adequate resources, we will have an impact on crime and violence and do our part in making the Criminal Justice System whole again.

**SENATOR BASNIGHT:** Thank you, Robert. Question?
**SENATOR JOHNSON:** Reverend White, I believe the gentleman's name was David Coltrane.
**DR. WHITE:** David Coltrane; thank you, very much—
**SENATOR JOHNSON:** He was a member of my church.
**DR. WHITE:** (continuing) —thank you, thank you, very much.

**SENATOR JOHNSON:** (continuing) One of the points I wanted to make is, in the home settings and that sort of thing, is the teaching of the values. I know that the Methodist Home, which I knew through my church and what have you, would teach the values of our religion as part of that process. Is that being accomplished these days in the different youth programs, teaching of values to these individuals so that they will have a sense of what's right and wrong?

**DR. WHITE**: The answer to that would be "yes." The Chancellor referred to the large number of our youth who are making tremendous progress. Nobody ever talks about it. It's those who are falling through the cracks that we've got to find a way of reaching. And I'm not willing to give up on them and say we've got to put them in jail and and let them stay the rest of their lives. Thank you.

**SENATOR PARNELL**: Thank you, Mr. Chairman. I was interested in what Ms. Davis, the quote she read from, I'm not sure exactly who it was, but it was somebody apparently who had been in prison. And, of course, what they said was that once they got out, the first thing they wanted to do was try to obtain money. And I can recall, Mr. Guy, that in times past before someone was allowed to get out of prison, there was an effort made to obtain them a job. And my question to you is what efforts are being made now before someone is paroled to try to see whether or not that person has employment, or is there any effort to try to get them a job?

**MR. GUY**: To answer to your question, Senator Parnell, the parole–release process is so expedient now, I guess, for lack of a better term, because of cap crisis, and overcrowding problems, that the old system of pre–parole investigations, in which our officer would go out and verify residence plan, verify employment plan, and establish some type of treatment plan before they were released, is a thing of the past. We don't have that opportunity, that luxury, now, and they are released to a plan that in many cases has not been verified by our officers, and it's because of the fast pace of the release. And so we would like to see the return to that practice where we would have an opportunity to verify and be able to report back to the Commission suitable employment and residence and treatment plans that are available if given the time to do that before they're released. But we do not have that opportunity now.

**SENATOR PARNELL**: Under structured sentencing, do you foresee that you might be able to return to this policy of trying to see that those inmates who are released have something that they can go back to?

**MR. GUY**: Yes sir, I believe so, because of the fact that structured sentencing calls for day–to–day serving of the sentence that we need to cooperate with the Division of Prisons and begin a case management process in the system. And so before they're released, and we know when they're going to be released in structured sentencing, we know ahead of time when they're going to be released, we can be better prepared to have plans suitable for their release, including treatment options before they're let out on work release.

**SENATOR PARNELL**: Do you have plans to do that, or do you think it requires any legislation. I don't believe that was among your recommendations.

**MR. GUY**: No, sir, we think that's an internal thing that because, just the mere fact that we're going to have time, structured sentencing permits us the time to get prepared, that we'll be meeting with the Division of Prisons under Secretary Freeman's leadership and working out the internal policies and making sure we do a better job of preparing the offender before they're released and once they're released, putting them in a stable residence/employment plan.

**SENATOR KINCAID**: Thank you, Mr. President, a question, I believe to Ms. Louise Davis. Ms. Davis, in your remarks, you mentioned that oftentimes these inmates are laying around with nothing to do, you know, to fill their good time, for gain–time, and all that. And it sorta reminds me of an old saying I've always heard, that "an idle mind is the devil's workshop."

**MS. DAVIS**: It's still true.

**SENATOR KINCAID:** With that thought in mind, and based upon what we heard from two or three of the victims about an hour ago, don't you think perhaps we, in the General Assembly need to start putting these people, a lot of them, and require them to do a little more work, I mean, real work?

**MS. DAVIS:** I would agree with you. The other thing I would say, though, in working with the offenders once they're out of prison and most of the people that community penalties works with have served prior time, that many of them would like to have a job. And if they were given the opportunity to get on work–release, I think that as Mr. Guy was talking, it is the expediency of the situation. The person is coming in, they're moving from camp to camp, they're just not able. I mean, I think the system itself makes getting a job difficult. It's not the fault of the system, necessarily, but the logistics of keeping a person in one place long enough to get an employer to be willing to let that person go to work.

What I would say about the quote, though, and I forgot to mention this. This man began going to prison when he was 20; he is now 40. He has served 7 years hard–time. He has had 9 separate convictions. So, that gives you an idea about what kind of system he's been through, and it has not worked for him, to deter his interest in crime. What has worked is a very comprehensive community–based program, not the prison.

**SENATOR PERDUE:** Dr. Stark, as we've moved around the State talking about delinquency and prevention and been to some of the training schools, looked at some of the foster care homes, that revolving door, over and over the comment has come up that the system is broken, that foster care doesn't work for some children, and that you get a kid out of a good group home or a training school and put them back in that same environment of the family and they further deteriorate and likely end up in the adult system, would you speak to a bill that's floating around here about 100 placement beds in orphanages? What do you think about a permanent child caring placement institute for some children from irrevocably broken homes?

**DR. STARK:** I haven't seen the bill. The Child Care Association is interested in working in partnership to address some of the needs of adjudicated youth. There are some who think long–term care of children out of home just because of a nice placement is the idea. That is not the best approach to care for children, just to simply place them in an orphanage in general. But where these agencies that I've referred to can work to provide beds for some adjudicated youth, I think that is a distinct possibility, where we staff up and meet the criteria to work with young people who have been adjudicated who need a specific point of reference that the judge can utilize, this is a distinct possibility. And we're ready to work with the State in trying to meet that need.

In fact, these kind of young people, we have been treating them where they've been referred by the juvenile court system, and we've taken them without a funding stream many times, just because there was a connection and they were referred and the Judge thought that was a good idea and we've taken them without a funding, maybe with the parents paying part of it; but if we can find a way that there can be a funding stream behind these children, we would be better able to do a consistent job across the system, I think, by meeting the standards and providing that opportunity. I think that is a possibility. I'm not sure about what the condition of that other bill, what that is.

I want to comment on one thing, in connection with this. That we've been talking about punishment a lot, and I think that there's a distinction made between punishment as accountability, and punishment as vengeance. I think we need to move away, I think if we think about it, punishment as vengeance we know is poison. It will poison people, not only the individual, but the family and everybody. But punishment as accountability is readily acceptable, and we need to hold people accountable, but vengeance is not what we're after. And I think we're hearing a lot of vengeance today. And we need to move away from that; that's poison, that will destroy us.

**SENATOR GUNTER**: Thank you. I'd like to commend all of you for all of your work, and caring about children and trying to turn them around. I had a personal experience last summer. (inaudible) I worked with a young lady last summer who was 17. She ran away from home, she was abused by her father. And what we found was she was one of those people who kind of fell through the crack. We talked with social services and the only thing they could offer...(inaudible)...there was no foster home placement for her. We did call (not discernible) House; she didn't want to go there. There was ...(inaudible)... Was I giving the right advice, and what can you do about a situation like that? ...(inaudible)...she ended up going to live with another family...(inaudible)...

**MS. VACA:** Could I answer for one second, please? I would take the liberty because I have two foster children and I don't know if anybody else here does. I have two foster children who have been adjudicated juveniles and both of them come from extremely, extremely abusive homes.

As most of us will find, that many children who we're talking about that go on to do criminal activities, come from extremely abusive homes. And I think that if there's one thing you all could do as a Body to stop these children from falling into this system on a daily basis is to look at the minimal care standards that DSS, DSS Departments all over this State, work under, so that those children are better protected. And if we protected them better at birth, you know, from birth through five, I don't think that we would see them as we see them now. Because the children that I have can't go home; are in a limbo because there's absolutely nothing for them.

**MR. RIEDER**: Senator Gunter, one of the programs that we operate in our agency, Haven House, is a program for homeless adolescents. In fact, one of the kids who graduated from that—these are kids who do not have a family they can live with—and one of the young men who just graduated from that program was referred to us by a school teacher in Wake County. This youngster was sleeping on her couch for two months because he had no place to be, and he's since gone through Wake Technical School and is now out working as a plumber. It's a great success story.

I think part of the tenor—some of the questions here—there are young people who cannot, should not, will not ever go back home; and, not to be cynical about the viability of some families, but we have to face facts. There are some young people who just can't go back home. How you capture a young person like this, in terms of to motivate them to get to a program that can help them, such as ours, is a tough question because sometimes they don't trust programs. One of the sad facts is, for that particular program that I just mentioned for homeless kids, we can serve 12 kids at a time. We've got 50 kids on a waiting list right now and homeless kids don't wait around.

**SENATOR CONDER:** Thank you, Mr. President. Thank you very much, panel. I want to ask you a question. I won't ask you to respond right now, in the interest of time, but if you would think about this and get back to me or any member of the Body, in writing or communicate directly, but Vick, you have some very, very impressive statistics and I'm very proud of what the Institute and others are doing because I think you're doing a great job. But these people that are slipping through the cracks and are going to continue to slip through the cracks were born in an environment that they did not choose. They are not there of their own volition and their own wishes, but I've asked this question this morning from another panel. I've also asked it from law professors at the University, and I cannot get any answer to it, but it appears to me that we need—we can't legislate religion; and I wish we could. We can't legislate morality; I wish we could. But why can't we find some way to legislate and mandate parents' responsibility for the actions of their children between 12– and 18–years–of–age? Can you help me find some way to put that in legislation, because until somebody is responsible for the actions for those children, the cracks are going to get wider and wider?

**MS. VACA:** Real fast, and I have a 20–year–old daughter whose permission I have to tell this story today. My 20–year old daughter grew up in a family that had very much

family values. I have been in the Juvenile Justice arena for about 18 years. As Dr. Hackley said, social justice is not applied to all levels of society equally. I think we seem to look at kids who are one particular group of kids that's falling through the cracks. I have a 20–year–old daughter who fell through every crack, and I'm a professional. We should have known she was coming from a single–parent home. I was working two jobs to make ends meet. She was taking care of the younger kids. She was alone a lot. At 15 she started running around, drinking, and riding in cars after school. And when she was 15 she got caught with $400 in her pocket that her grandparents had given her to buy a coat, and she had stolen a polo jacket worth $450 at Dillards. That's a felony.

I didn't go to court with her because I did not want to prejudice her case in any way. She was let out with no probation, nothing, no record, no anything. She's blonde and blue–eyed. I am sorry, but I think that that places a terrific difference in the way that children are treated.

What we did with Megan is what I think that every child in this world deserves. We provided mental health, we provided more attention. I quit my second job. I stayed home with her. I coddled her, I re–parented her. We are all in therapy together. She's 20 years old now. She just went on a trip to Europe that she won. She is a straight–A–student. She did not fall through the cracks, but, you know, we had insurance, we had money, I had grandparents, and I had a lot of people to support me.

But when you have, you know, somebody like Tyrone, when he falls through the cracks, he's not going to have insurance, he's not going to have anything, and somebody's going to say, "Well, nobody had values." I'm sorry, I don't agree with that. Those people have values. They just don't have the resources. And if justice is predicated on resources, then we don't have justice, maybe we just have some sort of juvenile reshuffling system. Thank you very much.

**SENATOR BASNIGHT:** Very powerful. Very powerful statement.

**DR. STARK**: I wanted to respond to this same question. This is really the breakthrough that family preservation has found, because primarily we're working in that program with abuse and neglect. And when abuse and neglect surfaces, the historic presumption was that that child needs to be jerked out of that family because that's obviously a bad family, for abuse and neglect to have been alleged. But we are finding that if you can put a skilled worker in that home on a concentrated basis, not living in, but available to that family, over a period of time during the crisis, if you can work with them during the crisis, you can help families get beyond the crisis and keep the child in the home and they address the issue of the abuse or neglect, as the case may be. We have an 85 percent success rate in keeping families together during this period.

Now, we talk about children can't go home, and some of them can't, but they are on over, way on over. They've been abused, it's gone on so long. If we could intervene early, when the abuse and neglect first is apparent, if we can fund that so that's happening consistently in every county, that makes a tremendous difference in that family's self–confidence. The ability they believe that they can do something about their own children. We are letting too many families give up and lose heart, and that's the sort of thing that I think really can address the question you're raising, Senator.

**SENATOR LUCAS**: Thank you, Mr. President. This is to address Reverends Foy and White. I want to commend you on validating, along with the other presenters, the identification of some of the major causes affecting the lives of our Black males. Your vision and commitment to issuing a clarion call for comprehensive community building is profound. As Mrs. Holliday said, we need to fund and continue to fund programs that assist children, families, and communities which will prevent much of what is occurring in our communities today. So I commend you for your vision. Thank you, Mr. President.

**SENATOR BLACKMON**: Thank you, Mr. President. Ladies and gentlemen of the panel, you're the third panel, I think, we've heard today, and I wish that maybe you could have heard the other two panels. Especially the panels on families of criminal activities.

Some of the notes that I had made earlier was:

—that we need support of parents;
—criminals are made, not born;
—go back to the parents;
—phase out training school;
—more children than you can handle;
—beds for 16, but housing 33 children;
—community will send us more children, but will provide no funds;
—one–on–one programs;
—Save Our Students Program;
—not enough money;
—need more employees;
—need more treatment;
—we are understaffed;
—we need more room;
—unsafe for employees to handle certain children and certain cases.

We have a State where children are having children. What can we do about this? I've listened to this panel this afternoon. I think with all of the intelligence we have here, we're gonna have to ask you to help us find out how we can reduce the number. The lady on the left talked about the Tyrone, and I think we all feel for that set of circumstances. But we can handle a few Tyrones. Our problem right now, folks, is that we're handling thousands of Tyrones. And we have more in the pipeline than we can imagine. There is only so much money in the State of North Carolina. We need for you to help us find a solution to lower the number of children that fall into this position where we have to take care of them. And if you could let me know, or address it at this moment, I would dearly love to hear from you.

**SENATOR ODOM**: I want to follow up on Senator Blackmon's making the same request from all the panel members, but then I want to ask one specific question to, I think his name is, Mr. Guy. But to follow up on Senator Blackmon. I asked the same question to the last panel to please submit to us in writing, each of you if you would, how do you stop babies from having babies from having babies, which is trying to turn the spigot off, because we will never, we will never get out of the problem, even with every community program you have, if we don't stop and turn the spigot off. So, tell us how we do that.

The second one is how do you, within the Constitutional limits, how do you get rid of the violence that's glorified on television and the videos? Not just the violence, but the sex glorification that comes with no consequences. Tell us what your thoughts are on that. Then I want to ask a specific question to Mr. Guy. Having served for five years on the Justice and Public Safety Appropriations Committee, I started out being a big believer in probation and parole, and I listened to your request for more intensive probation and parole, taking it down to a 50–person caseload. My question to you is this, do you really think even that is going to work if you don't have an empty cell to put somebody in, that you're not going to push somebody else out the back door?

**MR. GUY**: No, sir. I think that in order for the specialized–officer concept to be effective, first of all, and I think I mentioned that, we're going to have to have, when the available space that if someone is a violent offender or nonconforming, that we need to have the accountability factor. I think another gentlemen has already mentioned that we can, for punitive reasons, put them in the cell. But the concept of the high–risk officer revolves around treatment. Now, our specialized officer with a controlled caseload will not work if we don't have good community resources that we can work as a partnership with in

the local counties and in the local areas. These officers need to be created so we can have those smaller caseloads with that percentage of population that I described earlier. I'm not trying to get the population, or the caseloads of all probationers and parolees down to 50 per officer—just a percentage of population that has been identified as having a high failure rate right now in the system.

**DR. HACKLEY:** I think we've answered the question that was asked about these two gentlemen. I think all of us did. There are programs that work that are saving kids that are right now falling through the cracks. The problem is we don't have enough resources to save more of them. For what it costs to build one prison cell in this State, keep one person in jail for one year, you could send about 27 kids through four years of college in the State, if they reside at home and commute to a local campus.

**SENATOR BASNIGHT:** If we could all speak in one voice right now, it would be a thank you for giving us your time, making the effort, the dedication that you have exhibited for so many years. There are ...(inaudible)... we greatly appreciate and on behalf of the Senators, we will give you a big hand. Thank you, so very much. (applause)

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**PANEL**
**on**
**REHABILITATION AND TREATMENT**

1. Neil Jones is one of the founders of the D.A.R.T. program and is a member of the Substance Abuse Advisory Council.
2. Lattie Baker is the Assistant Secretary for Substance Abuse Programs for the N.C. Department of Correction.
3. Ray Eastman, Assistant Director of the S.B.I., and Handy Gunter, Special Agent in Charge of the D.A.R.E. Program of the S.B.I., will discuss the D.A.R.E. program.
4. Dr. Chris Norris is a psychologist at Butner federal prison who specializes in treatment of sex offenders.
5. Dr. Joyce Shaver is an ASAM Certified Practicing Physician and an addiction specialist. She also serves as an adjunct professor at UNC–Chapel Hill.
6. Tony Mulvihill is the Executive Director of the Alcohol/Drug Council of North Carolina.
7. John Kernodle is the Executive Director of the Community Justice Resource Center at Guilford College in Greensboro. He is also Chairman of the Guilford County Board of Education, and served as a consultant to the General Assembly Special Committee on Prisons.

**SENATOR BASNIGHT**: ...(not discernible)...ask a question. We could certainly do... (inaudible)...but then we wouldn't have an opportunity to speak to each other together as a group. So, if you could do that... And what I need you to do, Neil, and each one of you, state your name and who you represent, just yourself...(not discernible)...or whatever it may be, an organization ...(inaudible)... or as an individual, state that, and then let's try to give the recommendation of what you...(inaudible)...

**REMARKS BY NEIL JONES**
**Founder of D.A.R.T. Program**
**Member of Substance Abuse Advisory Council**

Ladies and Gentlemen of the Senate, my name's Neil Jones, one of the founders of the D.A.R.T. Program and member of the Substance Abuse Advisory Council...I'm Chairman

of the Substance Abuse Advisory Council of the North Carolina Department of Correction. I used to be a member of this Body, in the early '70s and when I had hair.

Nobody holds up a 7–11 sober. Nobody, at the drive–by shooting—nobody does it unless they're on cocaine. There's no way to exaggerate the impact that addiction has on the crime situation. Any judge that you'll find that's got any sense at all will tell you that 50–to–60 percent of the people that go to prison, go to prison because of their chemical addiction. I think it's 70; the wardens think it's 80 percent.

There's no way to exaggerate the impact that addiction has on criminal behavior. All of these other things that we're talking about are serious, but most of these people are just drunk or high or trying to get money to get drunk or get high.

The next rule that you need to understand is this—punishment alone will not change addictive behavior; punishment alone will not change addictive behavior. Punishment alone will not change addictive behavior. You can put a man in jail for six days, six weeks, six months, six years, sixty years. He will come out drunk and addicted, and he will commit the same offense again if you don't fix that issue, that fundamental biological chemical issue that got him in there is the first place. And that is his addiction. If 60 percent of the people that went to prison in North Carolina went to prison for eating asparagus, you'd do something about the asparagus. And what I'm saying to you, this is what's going on.

The D.A.R.T. Program was instituted, by and large, by the sponsorship of Senator Plyler back in 1986. And we have been working, primarily in Goldsboro, North Carolina, and other outlets, since that time, dealing with an intensive program of addiction addressing to our people.

Forty percent of the people who are felons in North Carolina go back to jail. That's recidivism; that's 40 percent. The issue is how to reduce recidivism on people who are chemically—on all these people. We find, and I have found, this is my statistics that I've got, that 13 percent of the people that went through the D.A.R.T. Program are recidivists. That is, instead of 40 percent, it's 13 percent. That 25 percent reduction cannot be a statistical quirk. I can tell you this. If you get the man sober and you get him straight while he's in custody, you've got a chance that he might not go back. If you do not get him sober, and do not get him straight while he's in custody, you've got no chance at all. None at all. And this is absolutely critical.

The reason the D.A.R.T. Program has been successful, and it **is** successful, is that it's being run primarily by recovering people. These recovering people have a special intensity, special effectiveness, because they have special credibility. They are also the most economic source of recovery that we've got. You will be interested to know that one year ago, the North Carolina Association of Alcoholism Professionals said that the finest substance abuse program in North Carolina was not in these $10,000–places that you can go, was not in mental health. The finest substance abuse program Ian North Carolina is in the North Carolina Department of Correction. That's something that we're very proud of.

What's happening to us at this point is this. We're able to handle about 60% of the prisoners that the judges sentence. We are not able to handle all the people we've got because of our limited facilities. We need, out of you guys and ladies, 500 more beds. It will be the best money you will spend. We are the only show in town when it comes to having an effect on recidivism and prisoners not coming back. We're not perfect, but we are having an impact. I ask you to carefully consider this because I think it's in the interest of the State. Every judge you've ever seen, every D.A. you've ever seen, while they'll disagree about everything, they don't disagree about D.A.R.T.

Finally, this. D.A.R.T. is the toughest program in North Carolina. It's three times tougher than boot camp. You ask a guy going to boot camp and gone to D.A.R.T. which one's the toughest and he'll tell you D.A.R.T. every time. If you don't get the guy sober and

you send him to boot camp, all you got's a junkie that can do pushups. I urge you to consider, and I'm not trying to put down the boot camps—they're good, they're good for people non–alcoholic. We urge you, consider additional appropriations for the D.A.R.T. Program. Thank you, Mr. President *Pro Tem*.

**REMARKS BY LATTIE BAKER**
**Assistant Secretary for Substance Abuse Programs**
**North Carolina Department of Correction**

I'm Lattie Baker, Assistant Secretary with the Department of Correction and responsible for the D.A.R.T. Program, as well as other substance abuse programs in the Department of Correction. I probably oughta just say "amen" to what Neil has said, and stop. But I'll go further.

Part of what I'd like to talk about is how to design strong affirmative rehabilitation programs in a correctional system. Back in the '70s, there was this assertion that nothing worked. In the '80s, there was a notion that, as Neil said, punishment alone would not lead to treatment or rehabilitation. In the '90s, there is a stronger assertion, and that assertion is that treatment does work. It is proven to work by academic researchers, by correctional researchers, and more importantly, by offenders who go through programs and who yield the right and the proper kinds of outcomes. So I think that's sorta the bottom line.

One of the things that I oftentimes say to my staff is that one of our first and primary goals with drug/alcohol treatment is that you must stop the drinking. If you don't stop the drinking and the use of drugs, then certainly you cannot obtain educational services, vocational training, and the range of rehabilitative programs. Treatment also works when a number of other components are in place. There must be a trained cadre of staff, and I think it's important that offenders play a role in those programs, as peer counselors, and in peer support roles. I think there is certainly a very valuable, that is, a very valuable resource in a correctional setting. It's also important to build strong networks for offenders out in the local community, so that offenders can, in their own self–help and recovery groups, meet, provide support to each other, and help each other in continuing their recovery program.

One of the things that, certainly in the last five years, I've found, is that programs must collaborate with each other. There can be no single program that addresses all of the issues of a given offender. There must be collaboration as well as communication between various programs. One of the things that offenders do very well, and that's pitting one agency against the other. So, it's important that agencies communicate with one another and they understand what services are being delivered then to the offender population. There's something called a "seamless system." A seamless system, as it's described by many correctional practitioners, is one that begins at the point of arrest, and that it does not allow the offender to escape either treatment or punishment requirements as a person goes through the system.

One of the things I think you've heard quite often is that what happens now is that offenders are able to escape the kinds of conditions that are imposed either by the courts and even in cases where there are special conditions of treatment in probation, as well as parole sanctions.

It's important, I think, that as North Carolina continues to develop strong correctional programs, that these programs be comprehensive, they focus upon self–help; they focus on marshaling all the resources in our local communities; they also help develop these volunteer networks that I mentioned; and again, use paraprofessionals where paraprofessionals are appropriate.

It's important that we demonstrate as new programs are funded, that treatment does work. We've proven that to a great degree in the D.A.R.T. Program, but there are additional and

expanded D.A.R.T. slots that are required. It's also important that as inmates leave our system, one of the findings of several researchers is that employment makes a tremendous difference as offenders go back out in the community. So it's very important that offenders be employed. It's important that they be under some form of supervision for a period of time. Intensive programs, intensive services that occupy from 70–to–80% of an offender's time, are the kinds of programs that are effective. These are the kinds of programs that work. These are the kinds of programs that we will continue to recommend to the General Assembly to be funded, as they are funded in the D.A.R.T. Program and other programs in the Department of Correction.

**REMARKS BY RAY EASTMAN**
**Assistant Director**
**State Bureau of Investigation**

Thank you, Mr. President, for the opportunity to speak to you this afternoon. I'm Ray Eastman, Assistant Director of the State Bureau of Investigation, responsible for the D.A.R.E. Program in North Carolina. I'm the Project Director for D.A.R.E. for the Southeastern portion of the United States. We're thrilled this afternoon to mention the positives that we see that D.A.R.E.'s doing throughout North Carolina and throughout the Country, and to present those particulars about the Program and the brief overview will be the Special Agent in Charge of the D.A.R.E. Program, Supervisor Handy Gunter of our D.A.R.E. unit here in North Carolina.

**REMARKS BY HANDY GUNTER**
**Special Agent in Charge of the D.A.R.E. Program**
**State Bureau of Investigation**

Good afternoon. My name is Handy Gunter, and I'm Special Agent in Charge of the D.A.R.E. Program here in North Carolina. And to give you a brief overview of what we've done, and where we are and we expect to go with the D.A.R.E. Program. In North Carolina at the present time, we have trained 594 North Carolina officers—that's Sheriff's Departments and local police departments and military police into the implementation of the D.A.R.E. Program in their local areas. We've also trained 120 officers from other states who have come to the region here to be trained in the D.A.R.E. Program. At the present time, I'm happy to say that D.A.R.E. Program in North Carolina is in all 100 and I think 22 or 23 local education agencies in the State of North Carolina. So, we've got 100 percent participation out of the D.A.R.E. Program.

Very briefly, give you a little history of the D.A.R.E. Program. The D.A.R.E. Program was conceded in 1983 at Los Angeles, California, by the Los Angeles Unified School District and the Los Angeles Police Department. It was started in 1983 in Los Angeles, and in North Carolina we got started in 1987. So, we think we've made a major inroad into, and we would like to attack this problem from a proactive point of view in that we would like to impact these children before they become a problem to our local police departments and our local prison departments and our local—just the community. We would like to get them at an age when we can maybe give them some educational materials that would prevent them from ever, ever first time experimentation with any type of illegal drug or any drug of abuse.

In North Carolina, we have three different programs under the D.A.R.E. slogan, which is—D.A.R.E. stands for Drug Abuse Resistance Education. We have a K–4 program, which is kindergarten–through–the–fourth–grade program. We have a core curriculum, which is fifth– and sixth–grade curriculum, which is a 17–week ...(not discernible)... impact kids in the elementary school situation. We also have a middle school, or junior high program, and a senior high program. And the newest program within the category of the D.A.R.E. Program here in North Carolina is the D.A.R.E. Parent Program. What we're trying to

do is to create a triangle within the community where we involve the community, the police, and the schools in a three–prong attack to see if we can do something about substance abuse among our Nation's youth.

At one time, the safest place to be in North Carolina was in a public school situation. But at the present, that's probably one of the most dangerous places to be, is in our public schools here, sad to say. In the new curriculums that we have instigated or put into place, implemented in North Carolina, we also deal with conflict resolutions and violence prevention, along with drug abuse. And we think this is very important, that we have an infrastructure already in place that was dealing with probably the most pressing problem in our community, which is violence and conflict resolutions. D.A.R.E. has expanded, like I said, in North Carolina, to all the local education agencies in the State and also in our D.O.T. schools, which is Department of Defense schools.

We have had some evaluations that was under the D.A.R.E. Program that has caused a lot of people a lot of concern, but I think the D.A.R.E. Program speaks for itself, and it stands not alone, but stands with the larger prevention programs in North Carolina. It's already in place to prevent substance abuse. And I guess the greatest compliment that I can pay to this Program is that we've had a comparative study that was done in 1991 here in the State of North Carolina, and the outcome of that survey was that there's a 13 percent difference between substance abuse among kids with the D.A.R.E. Program versus kids that's never had D.A.R.E. So, I think that speaks for itself in North Carolina, that D.A.R.E. is working, and it continues to work through the dedication of the grass roots level from our local law enforcement's perspective.

And I guess the only thing that I can ask this august Body to do is to continue to support us and continue to fund us and we will do all we can in the effort, from a proactive standpoint of view, in that preventing substance abuse among our nation's youth. Thank you.

**REMARKS BY DR. CHRIS NORRIS**
**Psychologist**
**Butner Federal Prison**
**and**
**Chairman of the North Carolina Association for the Management and Treatment of Sex Offenders**

Good afternoon. I'm Dr. Chris Norris. I'm the chairperson of the North Carolina Association for the Management and Treatment of Sex Offenders. It may be the point of the day where we talk about sex to perk everybody up a little bit, so I'll try to do that. I'd like to present a comprehensive plan to reduce sexual victimization in the State of North Carolina. Sexual assault is probably the most heinous crime in our society.

Especially, if it is committed against one of the more vulnerable members. Over the last few years, public agencies within North Carolina have made some strides forward in the effort to reduce the number of sexual–assault victims in our State. However, North Carolina does not have a comprehensive plan to put forth the best effort to significantly reduce the number of sex crimes committed in our State each year.

In the remainder of this presentation, I hope to highlight the extent of the problem of sexual assault in our State, as well as point out where positive steps have been taken and where there is still a need to implement policy and program. Here in North Carolina we do have a few pieces of the puzzle put together, with the completion of the whole picture within our reach. The number of known juvenile and adult sex offenders in our State are as follows. At the present time there are approximately 800 juveniles in our State designated as youthful sex offenders. Over 70 are within the training school system with a court mandate that they receive a specialized sex offender treatment program. In the adult sector there are approximately 2,500 adult sex offenders now under probation or parole

supervision. Within the Department of Correction there are another 2,000 adult sex offenders currently serving in incarceration. Furthermore, over the last several years, the percentage of sex offenders within our prison system has generally ranged between 10 and 15 percent of the total prison population.

Finally, one must also keep in mind that research studies on rape and child sexual abuse conservatively estimate that one in four sex crimes are reported to law enforcement. A study conducted here in North Carolina in 1987 estimated that there are probably 13,600 adult and child sexual assault victims per year in North Carolina.

I would now like to outline a comprehensive plan to truly reduce the number of adult and child sexual assault victims in our State. I will start with programs that are already in place or are in various stages of implementation. In the juvenile sector, funds have been allocated to implement two sex offender treatment programs within the training schools. These programs should come on line soon, but at the present time, there are already 68 juvenile sex offenders within the training school system waiting to fill only 50 beds that have been allocated for these programs, with more on the way. In the juvenile outpatient area, approximately 20 mental health centers around the State now have some level of outpatient specialized sex offender services for juveniles, with the possibility the number of mental health centers offering such services to expand to 40. Until that expansion occurs, many of the youthful sex offenders in the community are not receiving specialized services. In the adult sex offender sector, the Department of Correction currently has a 20–bed sex offender treatment program in operation. When one considers that we currently house 2,000 sex offenders within the Department of Correction, then it becomes obvious that we are only treating the tip of the iceberg, 1 percent at a time

Within the outpatient adult sector, there are currently only 5 mental health centers around our State that have an outpatient adult sex offender program in place. Obviously, these programs are serving very few of the 2,500 sex offenders currently on probation or parole. In view of all these numbers, I submit that the General Assembly of North Carolina should mandate that the existing sex offender programs continue and that funds be allocated to expand services to meet that demand.

In addition to treatment program implementation, there are several other ways in which our State can better prevent sexual assault victimization. The first area for possible improvement is a recommendation that sex offenders be classified differently under our State laws. Many other states have successfully adopted a habitual sex offender classification, which when used carries longer periods of incarceration and parole supervision.

Another classification recommendation would be for the State to enact a sex offender registration law, which would require sex offenders to register with local law enforcement after leaving court or prison, and whenever they move to a new location within our State. Such a bill will be submitted for your review by Senator Linda Gunter during this Special Session.

Still another sentencing recommendation would be for the period of parole supervision for sex offenders to be extended from the current 90 days to at least 3 years. The new sentencing structure which will be implemented in 1995 unfortunately only allows for 6 months of parole supervision. It is strongly suggested that the General Assembly implement and extend parole supervision for sex offenders.

I also propose two other improvements to our system which would help streamline and make more efficient the operation of the above mentioned treatment programs. The <u>first</u> of these recommendations is for the General Assembly to mandate that pre–sentencing diagnostic evaluations be ordered when a sex offense conviction occurs in our courts. Funds could be allocated to the Division of Prisons to do these evaluations, which would provide the court, probation officers, and treatment providers with important information as to the

severity of each offender's sexual deviancy and also to assess their risk to the community. These evaluations would also provide information as to the type of treatment required, as well as what extent of supervision is needed.

The second recommendation that I have in the area of making these programs more efficient would be for the General Assembly to mandate that the Division of Parole and Probation initiate specialized caseloads for sex offenders in urban areas of our State. Such a specialized caseload currently exists in Charlotte, but there are several other areas which would greatly benefit from having a specially trained Probation Officer working closely with a community–based sex offender treatment therapist. Such specialized caseloads could also be mandated for the juvenile court counselor system.

The last recommendation that I have for this Special Session is that the General Assembly mandate that an Interagency Task Force for Victim Prevention be implemented. The Task Force members could include participants from Prosecution Services, Division of Prisons, Adult Probation and Parole, Division of Mental Health Services, and Division of Youth Services. The goal of this Task Force would be to ensure that a comprehensive plan for evaluation, treatment, and management of sex offenders be developed and maintained within our State.

Finally, I want to address the issue of providing better treatment and management of sex offenders. Does it truly reduce the number of victims of sexual assault? On a national level, research studies conducted around the country over the last 10 years reveal that untreated sex offenders recidivate at rates between 15–and–40 percent, while treated sex offenders recidivate at rates between 3–and–13 percent. Obviously, treatment has had an impact on reducing victimization. Within our own State, a study conducted in 1990 revealed that almost 20 percent of our incarcerated sex offenders re–offended, and the vast majority of the new offenses were for new sex crimes. Keeping in mind the numbers I gave earlier in this presentation, I firmly believe that we could reduce sexual assaults, victimization within our State by at least 20 percent if the above measures are implemented. Preventing even one sexual assault victimization may be worth the price. Thank you.

**REMARKS BY DR. JOYCE SHAVER**
**ASAM Certified Practicing Physician**
**and**
**Adjunct Professor**
**University of North Carolina at Chapel Hill**

I'm Dr. Joyce Shaver. I want to thank Senator Basnight and Senators Lee and Walker and I appreciate very much the opportunity to speak to you.

I come with the background of a practicing physician and an educator in the field of addiction medicine. I also have a service record of 12 years as a staff physician at the Alcoholic and Drug Rehabilitation Center run by North Carolina in Butner; and prior to that I've had over a decade of experience in clinical and biochemical research with active and recovering alcoholics in the University setting. So, I know a bit, have experienced a bit of whereof we speak when we talk about substance abuse impinging on the criminal justice system in North Carolina. I bring an underlining of certain scientific and public health perspectives on this family of chronic illnesses.

First, we do indeed have excellent evidence that serious substance abuse problems are part of the family of chronic diseases, those of chemical dependency. We know that these are not only chronic, but relapsing and often progressive illnesses, and that they are marked by behavior of the individual in conflict with values, individual values and those of society. We know, too, that it is a family disease and that, like other chronic illnesses, at this time we are able to intervene and effect real recovery. In fact, it is an imminently treatable set of diseases, and I, personally, see alcohol and drug problems as perhaps the only chronic

illness from which one can recover and thereby escape the long–term complications and avoid inflicting upon society those long–term consequences.

So, if such a desirable, healthy outcome is possible, why don't we see more of it? Why doesn't it happen more often? Part of the answer is that the hallmark of this disease is denial. Both in the person with the disease and the people around that person. It is difficult to break that denial, but absolutely essential to do so if the recovery process is to begin. Entry into the criminal justice system provides a moment of vulnerability for the substance abusing offender. He faces at that time his responsibility to society for his criminality. But he can also at that time be made to face his responsibility to himself for his own recovery. That he accept both of these responsibilities in full is a necessary prerequisite for the recovery process to begin. And as Neil Jones has made, eloquently, the point without addressing that part of his illness, he will not recover in the other parts of his life. Accepting those responsibilities is a necessary but not sufficient condition for recovery.

In addition, the substance–abusing–offender must have access to substance–abuse–specific treatment and through a multidisciplinary, multisystem approach. This we know from the public health model which has evolved historically as we have discovered that monotherapies, like psychiatry alone, or pharmacy alone, simply do not work in arresting the addiction process. We have, particularly in the prison system, people in need not only of substance–abuse–specific treatment, but also rehabilitation and, in come cases, habilitation.

They need education, social skills, job training and placement. They need sober, safe, living arrangements. They need family services, as this is a family illness, and historically, anything less than this will not work.

I have reviewed simply a few scientifically–based and public health model aspects of the disease and the recovery process in substance abuse to help provide a rationale for the changes you will legislate in our criminal justice system that I believe can reduce the recidivism and be a cost–effective means of returning a greater number of criminal offenders to productive citizenship in a free society. Thank you.

**REMARKS BY TONY MULVIHILL**
**Executive Director**
**Alcohol/Drug Council of North Carolina**

Thank you, Senator Basnight. I'd like to thank Senators Gulley and Lucas, who are my Senators from Durham County. I have passed out a handout. **[EXHIBIT N]** Do you all have this? It'll help a little bit if you sort of sing along with me on it. I'm the Director of the Alcohol/Drug Council of North Carolina and that's the State affiliate of the National Council on Alcoholism and Drug Dependence.

First thing I'd like to say is a personal opinion. And that is, violent criminals need to be in prison for a long time. And I particularly believe violent criminals who use firearms need to be in prison for a long time. Alcohol and drugs cause loss of control, which leads to criminal behavior. The way to stop criminal behavior is to stop alcohol and drug use in this population. This population has to stop the use themselves, we can't stop it for them.

Addiction is a medical problem. Neil, again, has said it very eloquently, that you can't punish somebody out of a medical problem. That does not work. Research shows that there is no difference in treatment outcomes between coerced and noncoerced clients in the same program. And by coercion, we mean employee assistance programs where a person's job is on the line; family coercion, where a spouse will leave or threaten to leave; and the coercion of the criminal justice system through the court system. Judicial coercion works beautifully.

Sobriety and being clean is tied to personal honesty. A person has to change deep down their convictions, they've got to become honest, because one of the hallmarks of addiction is dishonesty. (extraneous comments) It's very tough to make the kind of change that is required.

Now, to the handout. If you turn to past the misspelling of the word "addiction," to the second page, 72 percent of the people on probation and parole have some kind of a serious alcohol or drug problem. And if you look at the bar charts of the assaultive, violent criminals, 54 percent have alcohol problems; drugs 95 percent; DWI, by definition, 100 percent; other types of crime, 45 percent; and property, 60 percent. If you keep those figures in mind, and turn to the circle chart, pie chart, which is next, and look at property, 36,274 people, 60 percent of those probably have a serious problem. DWI, 100 percent; drugs, 95 percent; that's a big hunk of that pie that are affected by alcohol and drugs in their lives. In the prison population, you have very few DWI people, and that is they're included in the other, but 62 percent of the prison population has a serious problem.

And, again, on the pie chart, you can see that 48.7 percent of the prison population on the last day of December, 1992, was there for assaultive behavior. And the idea that our prisons aren't full of assaultive people is simply wrong. And again, the equation was 60/40 on property, and drugs 95; awful lot of people in prison have a problem. The documentation of this is on the next page, a study from the 6th Special Report of the U.S. Congress on Alcohol and Health, and that alcohol, and I added the percentages, what I think are low percentages, for drug addiction.

The last page, and I'm not going to read this to you, because hopefully you'll go home and read it several times, is what works. And Neil Jones and Joyce Shaver and Lattie Baker and others have talked about what works. I'd like to say, very briefly, that I also feel that I am representing people with mental illness and retardation and their family. The probation and prison systems have a large representation of these people and like addicted people, they need help.

Legislation is being introduced by Senator Martin and Representative Alexander for community services. We want people to become taxpayers when they recover in the community. All projects which you fund need to be planned and funded properly. If they are not funded properly, if they get half a loaf of bread, they will not work. They also need evaluation for process and outcomes. Thank you very much.

**REMARKS BY JOHN KERNODLE**
**Executive Director of the Community Justice Resource Center**
**Guilford College**
**and**
**Chairman of the Guilford County Board of Education**
**and**
**Consultant to Joint Legislative Special Committee on Prisons**

Mr. President, Members of the Senate, ladies and gentlemen. I am John Robert Kernodle, Jr. of Greensboro, North Carolina. I serve as Executive Director for the Community Justice Resource Center at Guilford College. It was my privilege to serve as a consultant to the Special Committee on Prisons that was co–chaired by Senator Parnell. During the past year, our Resource Center, with the support of the College, has been involved in a variety of efforts to address crime and public safety in our State. We helped Craven County complete a Jail Overcrowding Study. We are working with Summit House to expand its program for women who are pregnant or have small children to Charlotte and Raleigh within the next year. We have completed an assessment of community penalties programs, and are currently undertaking evaluation of the Pretrial Services Program operating in Guilford County. I have had the privilege of assisting judges, Mr. Gilchrist, and others in

Mecklenburg County planned for a potential drug treatment court there. And we have worked with a new initiative in Gastonia called Greater After Prison Support, which with the support of Mr. Baker and others in the Department of Correction has begun looking at post–release services through volunteers for those who have been in our prison system.

I want to thank you for the opportunity to address the Senate at the start of this Special Session. You have been called together to focus on the issues of crime and public safety. As I've observed this afternoon in the course of your first 48 hours, you have had a crash–course hearing from a wide array of concerned citizens and criminal justice professionals. I think you've accomplished in 48 hours what it takes me at least a semester to do with a group of students at Guilford College, and I thank you for the attention you are giving this issue.

The task you face in sorting through the concerns you have heard and then developing and funding responses which have the capability of having a positive impact on reducing crime and increasing public safety, is, quite simply, an **awesome** task. It is important to remember, as others have said before me, that no one strategy, program, or act of legislation is likely, by itself, to gain the results you desire. As Governor Hunt, and many of you have acknowledged, a comprehensive strategy, beginning with prevention and early intervention, moving through arrest, prosecution, and adjudication of criminal offenders, and including the types of sanctions imposed will be necessary. In matters related to crime and corrections, more so than in any field of public policy that I know, it is tempting to engage in high–flown, emotional rhetoric, chest pounding and table thumping, in ways that may feel good and sound impressive, but which bear little relationship to hard data, careful analysis of available information and thoughtful consideration of long–term cost and benefits.

As a citizen, I am particularly grateful that you are at the beginning of a deliberative process. The genius of the American experience of government has been that many minds working on the same problem are better able to fashion a lasting solution than the best–intended dogmatic views of a single individual.

I'm speaking to you this afternoon specifically about the importance of including resources for rehabilitation and treatment in any overall comprehensive crime–fighting strategy you may adopt. The Sentencing and Policy Advisory Commission which you created was right in asserting that this State needs to enhance and expand the continuum of criminal sanctions available within the criminal justice system. When structured sentencing becomes a reality in our State, we will continue as we do now to place the overwhelming majority of criminal offenders in community–based sanctions rather than in prison. The Commission recommended, and the General Assembly has agreed in votes you took during the 1993 Session, to place a priority on using expensive and limited prison beds for offenders who have committed violent crimes, or who have repeatedly been convicted of violations of the law.

Ladies and gentlemen, I concur with the views of others who are addressing you today, that many of those who will be locked up in prison, certainly at least as many as 70 percent, perhaps as many as 80–to–85 percent, are addicted to drugs and alcohol, or have serious substance abuse problems. We know from the experience in other states that investing in alcohol and drug treatment for inmates works. It makes sense, it is reasonable, and is a reasonable and responsible investment of public funds. The same, my friends, can be said for offenders who receive community–based sentences. Again, 70–to–85 percent of those criminals who will be sentenced to community–based sanctions have serious substance abuse problems. If they are to change their behavior, cease to engage in criminal conduct and become productive, tax–paying citizens, their problems with alcohol and drugs must be addressed. It is not simply a matter of treatment. It is a matter of insuring future public safety.

Do community–based drug and alcohol treatment programs work? A careful analysis of data confirms that they do. Recent objective studies of the drug treatment courts in place across the country since the early 1990's document that successful intervention reduces recidivism and improves dramatically the likelihood that offenders can change their lives. Effective treatment costs dollars. More dollars than required for traditional probation but far fewer dollars than required for incarceration. There is an impressive body of information becoming available about the programs that work.

The characteristics of these programs are clear, simple, and straightforward. Under court supervision, offenders participate in a three–stage process. One, detoxification, perhaps under lockup in a local jail; two—drug and alcohol treatment; and, three, the acquisition of living skills—basic education, job training, parenting skills, and the like, which equip them to return to society as law–abiding, productive citizens.

I urge you to give strong consideration to legislation establishing drug treatment courts in North Carolina and investing in other community–based drug and alcohol treatment strategies. The time to act is now. Yet, as Senator Odom observed earlier this afternoon, we know that some offenders may be turning down participating in community programs because of the scarcity of prison beds and taking shorter sentences behind bars instead. Let me assure you that in addition to the approach you may take to address this problem in the long term, drug treatment court experiences across the country offer an immediate creative alternative, even while beds may still be scarce. For those convicted of non–violent offenses, many jurisdictions from the West Coast to the Southeast, with the cooperation and support of prosecutors' offices, have implemented programs that provide for the dropping of charges or the "expungement" of records for those offenders who successfully complete treatment and become productive citizens.

The offender is not simply looking at an option between a lengthy period of time in community treatment and a much shorter period of time locked up in prison. Instead, the offender knows that if he or she does, in fact, overcome chemical dependency and become a productive citizen, then the possibility of truly beginning a new life exists, and the otherwise permanent scar caused by a criminal record can be erased.

In closing, let me leave you with this observation. Legislators like yourselves have begun demanding to know whether programs work. Whether promises made by politicians and elected officials can be kept. Millions of dollars in this country have been invested in evaluation and research. A thoughtful review of that research includes the following conclusions.

One, there is no statistically valid correlation—let me repeat that, no statistically valid correlation—between increasing the number of prison beds in a state and reducing that state's overall crime rate.

Two, research indicates that boot camps do not reduce recidivism or future criminal conduct by offenders unless coupled with strong after–care programs back in the community. Research tells us that treatment programs provided for inmates and jails and prisons are also less likely to have lasting impact unless they are followed with post–release programs in the community. Now, we might want the research to tell us something different, but, friends, that is what it's telling us. In your role as policymakers, I urge you to look at the data.

I'll close with this paragraph. Research also tells us something else. Community–based alcohol and drug treatment programs for nonviolent offenders do work. As recently as December, 1993, the release by the U. S. Department of Justice of a study of the Dade County, Florida, Drug Treatment Court presented compelling evidence that alcohol and drug treatment has a direct impact on reducing future criminal conduct. Thank you for this opportunity to address the Senate. I look forward to answering any questions you might have. **[EXHIBIT O]**

**SENATOR HOYLE:** Thank you, Mr. President. I'd like to ask Mr. Baker a question. Mr. Baker, are drugs available in any of our prison units?
**MR. BAKER**: Yes, drugs are available. We do have programs and projects that reduce the amount of drugs that are available. The most important thing, and I think we see it statistically when we look at disciplinary infractions, for the last five to six years, disciplinary infractions where inmates had been caught using drugs have dropped, and we attribute that to a lessening of the demand for drugs. So, treatment then creates the kind of environment where the demand for drugs are not needed, are not required in the unit, and those prisoners who have gone through treatment, oftentimes abstain from participating in the illegal drug activity.

**MR. JONES:** Let me mention this. This is a rule of nature, and you can carry this to the bank. In any prison system in the United States of America or in western civilization, the only limit on a prisoner's ability to use drugs and alcohol while he's in custody is his money. And if you're going to change it, you gotta change the man. Cocaine is too easy to carry. That is just the truth and it has no reflection on the quality of the incarceration system. It is just what's gonna happen.

**SENATOR PERDUE**: John, will you just give me an example of the community program you think works best? Briefly.
**MR. KERNODLE**: I'm reluctant to say there is a single program. There's a continuum. We have a gap in this State in residential programs, both short–term halfway houses and long–term residential facilities. We also have a gap in the pattern and practice of providing drug treatment in a consistent way, in the seamless web that Lattie Baker was talking about. I think the potential for developing community strategies will work best if adequate and substantial funding is given to the State Local Partnership Act and communities wrestle at the community level with developing the continuum of programs that fit, whether it's Craven County, which may be different than what will fit Guilford County.

**SENATOR PERDUE**: Can I ask you a policy question since you did so much work on our initial prison package? If you were hearing talk about a big bond bill for more beds, you have just said you could build them all you want and it won't fix the problem, if there is an infusion of new money, do you believe, or do the members of the panel believe, some of that money must be earmarked for community alternative programs?
**MR. KERNODLE**: That's where the bulk of your offenders are going to be. They are there now, they'll be there tomorrow, they'll be there when you go home and finish this legislation. If you don't intervene effectively with the offenders who will be in the community, the experience of other states is that you can't build your way out of a rising crime problem.

**SENATOR CONDER:** John, would you read that one line again that she's talking about—the correlation between the availability of prison beds and crime? Would you repeat that very precisely?
**MR. KERNODLE**: There is no—if you look, state–by–state at changes in crime rate over a five–year period, and which states have invested heavily in additional prison beds and which ones haven't—there is no statistically valid correlation between rises and falls in the crime rate and the numbers of prison beds that are built or aren't built, state–by–state, across this country. There's no correlation even in the Southeast. You can try to get comparable demographics and you can't find a consistent pattern. There are two variables that are independent. One doesn't link and cause the other to change.

**SENATOR SEYMOUR**: Thank you, Mr. President. I would like to ask John Kernodle a question, please. Mr. Kernodle, you briefly touched on Summit House and the success of that Program. As you know, Senator Fountain Odom, Senator Dave Parnell, and many others in this Body have become very excited and the Legislature has invested funding in the Summit House Program. I would like very much for you to expand on the success of the Summit House Program and give a little background of what it actually is.

**MR. KERNODLE**: Thank you, Senator Seymour. Thank you also for being my Senator. I reside in your Senate District and I appreciate the representation you've afforded me and my neighbors.

Let me make a disclaimer first, because I want to be clear. The Community Justice Resource Center is presently under contract to assist Summit House in its expansion efforts in Charlotte and Raleigh. We would not be taking that work on within our staff if we didn't believe in the viability of the Program.

Begun about, not quite, a decade ago with planning in Guilford County under a group that included Superior Court Judge Tom Ross, and a number of women in our community, an effort was made to establish a residential alternative for women facing prison, convicted of nonviolent offenses, who either were pregnant or who had children under the age of seven, which they had custody of and responsibility for. Summit House provides a residential setting for women and their children in the community. It's a non–secured, non–locked facility. It has been in operation now for about five years. It provides at least a year of residence for the women who participate in it. They not only work on changing their behavior and gaining job and education skills but also in improving parenting skills.

One last observation. Many of you have been concerned, as the public generally is about the growing cycle of children and grandchildren and great grandchildren in families committing crime as their parents have before them. Summit House is an aggressive attempt, not only to intervene with the offender, but with the next generation. Many of the women have been victims of crime themselves or of abuse. I think it's a Program that's working and I'm grateful to the General Assembly for providing funds to expand it to Raleigh and Charlotte within the next 12 months.

**SENATOR BASNIGHT**: Thank you very much for coming and giving of your time, caring enough about children and their future and what's happening in North Carolina to control crime and what maybe we can do. You have helped us a great deal. Thank you again. I am certain that the committees will be contacting some of you to come back. (applause)

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**PANEL**
**of**
**CHIEFS OF POLICE**

1. **Chief Ken Bumgardner is the Chief of Police of New Bern.**
2. **Interim Chief N.J. Boger is the Interim Chief of Police of Charlotte.**
3. **Chief George Sweatt is the Chief of Police of Winston–Salem.**
4. **Chief Donnie Parks is the Chief of Police of Hendersonville.**
5. **Assistant Chief Robert Bristow is the Assistant Chief of Police of Hamlet.**

**SHERIFFS**

1. **Sheriff John Baker is the Sheriff of Wake County.**
2. **Sheriff J.I. Smith is the Sheriff of Caswell County. (Unable to appear due to duties)**
3. **Sheriff Raymond Goodman is the Sheriff of Richmond County. (Unable to appear)**
4. **Sheriff Joe McQueen is the Sheriff of New Hanover County. (Unable to appear due to death in family)**
5. **Sheriff Jimmy Johnson is the Sheriff of Davidson County.**
6. **Roland Dale is the former Sheriff of Hyde County and currently the Director of ALE.**

**SENATOR BASNIGHT**: Listen up!! I'm going to be your moderator this afternoon. Sorry we're running a little bit late. If you could—everybody have their seat, please. Would everyone have their seat? Most importantly, I guess, to us, is for you to give us the chance to ask you a few questions. We find that's very helpful to the Members in that they get to try to bring out of you some of their thoughts and concerns and you can better answer, Sheriff, and do it very candidly. I don't believe I have to tell it to any of you guys. You deal in a life where you have to be honest and straightforward and come to the issue very quickly, and you'll do that. If you can hold your remarks to two to three or four minutes, keeping under that five a little, we'll have more time for exchange. But then, you're the last group so we can spend a great deal of time if we have to, if you like. But let me encourage you to hold your remarks as best you can, to a nominal amount of time. If you can't do that, we'll work with you. And we'll start with—and I'll ask that you give your name and who you're working with, your department...(inaudible)... If you have any prepared remarks, we want you to leave it...(inaudible)...put it here on the desk. Thank you.

Ken Bumgardner.

**REMARKS BY KEN BUMGARDNER**
**Chief of Police**
**New Bern, North Carolina**

My name is Ken Bumgardner. I'm the Chief of Police in New Bern, North Carolina. Mr. President and ladies and gentlemen of the Senate, I appreciate the opportunity to speak here, and I'll be very brief.

We, on the front line, have needed some relief for sometime, and we're extremely happy that now someone is taking a look at what we've had to deal with on a day–to–day basis. While I don't advocate putting everyone in jail, there is a segment of society who I feel like needs to be placed in jail. We spend an awful lot of time worrying about where we're going to put the prisoners, what kind of facilities to put 'em in. However, our children are staying in mobile homes and wooden classrooms that are probably less than most of our prisoners have to stay in and that's a concern to me.

At the beginning of this year, we started a program, basically, because we were afraid of crime in our high school, and it's with a School Resource Officer. I found out that that has become one of the best attributes to our community and a relationship with the children.

Law enforcement is like dinosaurs, we evolve very slowly. Community policing is our future. It's the future of our communities and the future of our children. One question I'd like to present to this group is that some of the shared revenues that maybe used to go to the cities, that we could look at those going back to the cities and being earmarked for the Community Resource Officers for the community policing programs. And that's, basically, the input that I wanted to give to you today is that we need assistance on those programs that do work and do help.

**REMARKS BY N. J. BOGER**
**Interim Chief of Police**
**Charlotte, North Carolina**

Good evening, ladies and gentlemen. My name is Jack Boger, I'm the Interim Chief of the Urban Division of the Charlotte–Mecklenburg Police Department, and if I may, I'll explain that. We are, in Mecklenburg County, going through a police consolidation now and I have the honor to be the Interim Chief of what used to be the Charlotte Police Department. We will soon be merged totally into one agency, but we're now in transition, hence the interim business.

I represent, however, a City which we say has 7 percent of the State's population but over 20 percent of the State's crime. A growing number of citizens in my City live in fear that they are counting on police, local officials, and you to help address the crime problem that has become Charlotte–Mecklenburg's No. 1 concern. In Mecklenburg County, overall crime is down, at least the trend is down, but violent crime is increasing, both in terms of numbers and in terms of the lives it touches.

Last year it's up 3 percent over the year before, and over the last 5 years, the increase has been over 20 percent. Last year, for example, we had 122 homicides in Charlotte, which is a record for our City; that's up 23 percent; assaults, armed robberies, carjacking, drive–by shootings, rapes, all show similar increases—violent crimes, all. Many Charlotte residents have seen their neighborhoods taken over by loosely knit gangs of criminals who commit crimes ranging from homicide to drug trafficking to assault.

Most alarming aspect of this picture is that we've seen a demonstrable increase in juvenile crime, and in young people involved in violent crime. Last year in Charlotte, 9 young people under the age of 16 were charged with homicide. Thirty–three (33) people under the age of 16 were charged with armed robbery, and 169 were charged with aggravated assault—assault with a firearm. Arrest of persons under 18 for violent crimes increased by 11.8 percent in Charlotte in 1993. The causes of this situation are as varied as the crimes themselves, but we do know there are two reasons, two common denominators; one is the availability of drugs, and second, the easy availability of firearms.

Drugs are available anywhere, Charlotte, anywhere else, and in Charlotte, as much as 80 percent of our crime is somehow linked to narcotics. Last year 56 percent of the homicides we cleared were drug related in some fashion. Guns were also readily available. They're in the streets, they're in the schools. In Charlotte last year, handguns were used in 65 percent of our homicides and in 52 percent of our armed robberies.

Now, we're working harder in Charlotte–Mecklenburg County than ever before to fight crime with some significant, and we think, effective partnerships between police, governmental agencies, and citizens. Our efforts alone are not enough, however, we need your help. We need you to support some initiatives that we brought here from Mecklenburg County and we also would ask that you adopt points of Governor Hunt's plan. In particular, we need help in Mecklenburg County in terms of resources it needs to fight crime, specifically more District Attorneys and adequate support for the court system. We would ask you to support improvements in the State's Integrated Criminal Justice Information System that links all the elements of the System and through the sharing of information helpful to hopefully fix some of the problems that we now see.

We would ask you to help and support reduction of violent crime in Charlotte–Mecklenburg by supporting our request for a Violent Predator Task Force, which we think is an innovative approach to the problem. It'll team probably 10 police investigators with five District Attorneys, along with appropriate clerical help, to focus on violent crime in Mecklenburg County. We'd like you to help us reduce juvenile involvement in violent crime by supporting a boot camp for offenders age 13 to 15, and give judges the authority to impose this penalty as a sentence to help turn some of these young people around before it's too late.

And we also appreciate the comment made by the gentleman earlier that effective after–care is an absolute essential to any boot camp program. We would like for you to consider changing laws regarding juveniles. We need to be able to share information about youthful offenders. Our judges need to be able to try more youthful offenders as adults, and we need to see that the records of these offenders follow them into adulthood instead of wiping the slate clean at age 16.

We urge you to give consideration to more prison space, to some relief for the prison cap. Give some assurance that criminals will serve all or at least most of the sentences

they're given, and some assurances that violent criminal offenders will be incarcerated for life, if that's what's needed. While most of what I've talked about is related to enforcement, then that's the policeman's perspective, you have to understand.

I'd like you also to understand and to fund some of the initiatives geared for prevention and toward substance abuse. In reality, we can never hire enough policemen or add enough prison beds to control crime, and we know that; and if we don't attempt to prevent crime, by giving our young people, in particular, tools to be effective citizens, and if we don't make substance abuse treatment available to everyone who needs it, we're making a big mistake. I believe that any effective program to address the crime problem, not only in Charlotte–Mecklenburg, but state–wide, must strike a balance between enforcement and prevention. Thank you.

**REMARKS BY GEORGE SWEATT**
**Chief of Police**
**Winston–Salem, North Carolina**

Ladies and gentlemen, I'm Chief Sweatt from Winston–Salem. Thank you, Mr. President, Members of the Senate, particularly my home members, Senator Ward, Senator Kaplan, and from Clinton, Senator Cochrane. It's good to see you.

Every day in law enforcement, police chiefs meet with the public, with the citizens, grass–root, leaders of other services, and we see firsthand the carnage that our streets are turning into. As a major–city chief, it is scary. I hear too often people who are afraid to even go out at night. I have an experience that not many chiefs have. I have buried three police officers over the last 20 months. I know what it's like to lose a fellow officer in the uniform. I have seen officers with a bullet hole in their head, with a bullet hole in their chest. And, ladies and gentlemen of this Senate, we have **got** to do more than just talk.

The plan that the Governor has submitted has been endorsed by the North Carolina Association of Police Chiefs. There are some things that I think law enforcement can recommend to improve that plan even further. I would like for you to seriously think and pray about this issue. We're afraid to mention, I think, all too often, the impact that religion has in this Country. In Romans 13 government was instituted to not only reward the good citizens, but to punish the evildoers in our society. That is something we must do, and we must get about it right away.

When I talk about repeat offenders, I talk about offenders from the experience of arrest sheets. When I think about the "three strikes and you're out," how about 74 strikes and you're still going? These are visuals but these visuals are not the exception to the rule anymore for us in law enforcement. The criminal comes back over and over and over again. You show me a criminal who can commit a crime on the streets of my City when he's behind bars. He cannot do it. We need more jail cells. That is the quickest thing that you can do to effect the safety of the communities in North Carolina. It is not the only thing you can do.

We must deal with the prevention issue. The circumference of the funnel must be shortened. We cannot continue to allow the youth of this Country, of this State, to go about violently with no retribution whatsoever. Prevention programs are a must. A hard bullet must be bitten here. We must stop the juvenile influx into the criminal justice system. I plead with you, as a Chief who arrests people day–in and day–out, over 29,000 criminal arrests in our City last year. But they keep coming back and back.

The citizens know that the reality now is that arrest does not mean an end to the crime. It used to be that way, but not any more. I plead with you to help us make what we do out there make a difference in making our community safe. The statistics I can share with

you on youth crime—we arrested over 555 youth in our City. Think about the youth victims—over 1,578 juveniles age 18 or younger were victims of a violent crime in our City last year. The problem has reached a crisis situation. We cannot treat it like we do some of the environmental issues I've heard people talk about—garbage disposal, just deal with it; get it out of my backyard. That's not what we're dealing with here. We're dealing with lives. Every statistic that you see reported on police uniform crime reports affects victims, real people. I've seen it. I will do everything in my power to assist you, and there are some specific recommendations coming, that will strengthen the Governor's plan.

One example, in our jurisdiction last year, we had 36 murders, including the county 40. Out of that 40, about 7 of those cases will be a first–degree murder case; 33 of them will be second–degree. It's almost impossible now to get a first–degree case. The average sentence for a second–degree murderer right now is running 7.8 years—7.8 years. Let's increase that average. How about 20 years? This is for taking a human life and I saw 36. We did a study in 1992 of the 33 murders we had; 12 of those murders should not have occurred. The individuals committing them should have been in jail or prison. Please help us. That's the plea I want you to hear. Thank you very much.

**REMARKS BY DONNIE PARKS**
**Chief of Police**
**Hendersonville, North Carolina**

I'm Donnie Parks, Chief of Police for the City of Hendersonville. I'd like to thank Senator Basnight for inviting me here today to speak to you and to share the concerns that I, as a law enforcement executive, have in relation to crime. And the concerns many of my peers and the residents of Henderson County and citizens of North Carolina have. I'd like to thank all of you for hearing us today, for giving of your time and spending long and tedious hours hearing what we have to say. I ask not only that you hear us, but that you listen also. And I'm sure you will. I would also like to thank Governor Hunt for the many meetings that he has held, for he and the others who have listened to law enforcement in advising his 36–point plan to deal with crime in North Carolina. I have no doubt that many of the recommendations that we have made have been heard and included in this plan.

I'd like to say that I'm an advocate for treatment, for discipline, but also for punishment. As a police department, we're one of the few and maybe one of the only ones in the State of North Carolina that offers free treatment for certain drug offenders who sought treatment to get off the drugs. We provided this program to drug offenders free of charge, maybe for certain candidates, not for any and all. So I do want to say that I do believe in treatment.

I also believe that, as a law enforcement officer, there comes a time when we must face reality and we must cut our losses and realize when a criminal is a criminal, that's what he is, and he must be treated as such. As a Body, you've heard from victims of crime and you've also heard from those that enforce the laws of our State. And, quite frankly, you've heard from the experts. I ask that you consider all the information, all the input, and all the advice that's been offered to you, and the decision that you must make as lawmakers in the near future to attack this cancer that's harming our communities. That cancer we call crime. There are some who maybe have questioned whether or not we really needed a special session. I have been in law enforcement for 17 years, and in addition to this, I grew up in an economically depressed community. And as one of 11 children, life was pretty tough, so I know what it's like to grow up in a tough community.

I've seen officers in my department assaulted. I've seen them shot and nearly die, and I've even seen them killed in the line of duty, including one officer shot and killed two blocks below my home. Something has to be done. I can tell you that this session is greatly needed. Law enforcement in this State and the people in this State want something

done. The ball is in your court, and I assure you that every law–abiding citizen is ready to back you all. I think you all have to re–establish the rules, and I think these rules must be fair for the elderly, fair for our children, fair for our State, and tough for the criminals.

Hendersonville is a city with a population of about 8,000, and is located in a county of about 72,000 residents. We have a department with 36 sworn–personnel, including myself. Last year we responded to more than 47,000 calls for service, just in the City of Hendersonville, the city of 8,000. A large portion of these calls for services were in response to criminal acts and acts of violence. And these crimes were committed by a few individuals who continually break the law and victimize the innocent. Knowing that they're not going to be held accountable, and in almost all cases, they will beat the officer back out on the street. Their paper work will be done and processed before that of the officer. We must find the means for getting these criminals off the street, and there must be punishment.

I like the concept of "three strikes and you're out." But I like even better the concept of "two strikes and you're out." In addition to this, we must have laws that will require that any and everyone who commits an act of violence must serve some type of mandatory sentence. I think when an individual knows that he's going to commit a crime and punishment will follow if he's convicted, he'll think twice, particularly if the punishment indicates that the crime was not worth the punishment that he or she had to suffer.

One of the things that concerns me greatly, and I ask that you give great consideration to, is the idea or the fact that on January 1, 1995, certain levels of possession of cocaine will be considered a misdemeanor. This is wrong, this law greatly de–emphasizes crack cocaine. It de–emphasizes the problem that is raping our communities, robbing our communities, especially when law enforcement considers 85 to 90 percent of their crimes to be drug related. We have got to change this because crack cocaine is law enforcement's No. 1 problem, just as it is the No. 1 drug for the '90s. This law must be changed. It cannot and should not go into effect.

In terms of our youth, in my community I see children who, if given the right opportunities, can do a lot for our communities. They have a lot to offer, if the right programs are in place to provide added supervision, training, encouragement, and security. I realize these responses and these responsibilities start with the family, but we must take measures to help the family. We must take measures to keep our children off the streets, while working to make those streets safer. Prevention must start with our youth. If we allow our youth to grow up out of control, then they will live a like manner as adults. We must encourage community self–development.

I also believe that our youth must be held accountable. In addition to prevention, we must have accountability for our young offenders. Many have no respect for the law, for the community, the values and mores of society, and we must say to these individuals when there's failure with prevention, then the system will provide detention. By doing so at this stage, we can prevent more serious crimes by these individuals as adults in many cases. Treatment is much more likely to be effective if such measures are taken. Some have questioned the cost of $180 million for the Governor's crime package. This is no small amount, but you get what you pay for. We're seen that and right now we're not getting our money's worth.

We must restore credibility and confidence in the criminal justice system in the State of North Carolina. We have a serious problem in this area. Every year we spend millions of dollars on our streets and highways, our schools and housing programs. None of this is money well spent if we don't have safe schools, safe highways, and safe housing for our residents. And we must also look to improve law enforcement. We must provide better paying benefits for the men and women who get out there each and every day, putting their lives on the line for each and every one of you. Instead of spending this money on

color–TVs, air conditioning, ball courts and fields, and excessive prison accommodations, let's take this money and put it where it's better spent—into salaries and benefits for law enforcement throughout this State. The question is not so much what will it cost us for the measures before us, but what will it cost us if we don't implement them?

Finally, on behalf of law enforcement across the State, I say to you, you are the lawmakers, and we are the law enforcers. Here's the real deal. If you'll make the laws, we'll enforce them. Thank you.

**SENATOR BASNIGHT:** How about some questions of the panelists up to now?
**SENATOR LUCAS**: Chief Sweatt, is that the proper name? About a half an hour ago, or 45 minutes ago, John Kernodle talked to us about the ineffectiveness of the boot camps, and you mention that you thought they were very effective. Could you give us some stronger persuasion, because he gave us statistics to validate his recommendation on it?

**CHIEF SWEATT**: Senator, if I mentioned boot camps, I don't recall it, but I do think they're effective. The thing I did mention is that I don't know of a prisoner, anyone in a cell, who's committed a crime on our streets and no one's proved that any differently. I think a boot–camp concept is needed. Where I would put it is somewhere at the teen–age level, and never expel a student out of the school system onto the streets of our city. When that's done, we usually get 'em on our doorstep, and by that time it's usually too late. Somewhere insert the boot–camp concept where if, your worst case scenario, they're not going to cooperate at all in the school system, put 'em in the boot camp and give 'em some discipline. But don't put 'em on the street. If you do, I can guarantee you where they're coming.

**SENATOR PLEXICO**: Thank you, Mr. President. To Chief Parks, or any of the Chiefs, actually. Before you came on, we had some folks talking about youthful offenders, and I know part of the Governor's package is for 14– and 15–year–olds to be tried as adults for felonies, Class A through E, and I wonder if you could just comment. One of you mentioned that, but I wonder if there's sort of consensus among the police chiefs on that idea.

**CHIEF PARKS**: I'll be glad to answer that, Senator. I'm in favor of this, and I'll explain why. Many of the individuals that we're dealing with, at that age, at age 14 or 15, have long been lost in the system. The family has abandoned them, and a lot of these individuals are hard. They're very hardened individuals, and they're beyond the point of treatment; not all, but many. And many of these individuals are capable of, and do commit very violent acts. When an officer has to lick an individual that's 14 or 15 and that individual has a gun or he has a knife, an officer can't make decisions based on age. He has to make the decision based on the circumstances present at that point in time. I don't think this is workable for all, but I think for many this has to be the case. And as I understand the Governor's proposal, this is for individuals who have committed very serious and violent crimes, and in those cases, I think you have to. We're dealing with a situation like that in Hendersonville, as you are aware, Senator.

**SENATOR ODOM**: Let me direct this to the attention, especially to see if Chief Boger will respond, and maybe some of the others. From Charlotte, there's a proposal coming to us tonight, I understand, from the City Council, that they want to make any assault on a police officer a felony. I was told late this afternoon by a couple of people that a lot of the police officers do not want that type of a law. Do you know any reason why not, or are you in a position, do you feel comfortable, answering? If you don't, then we'll try to get someone else.

**CHIEF BOGER**: No, I'd like to answer. I don't know any officers, offhand, who would oppose that law, this pertains, perhaps, to the earlier question, as well. One of the assumptions that we're working with, I think, is the nature of crime is changing. The nature of juvenile crime is changing, consequently, the approach society has to take to it must also change.

With regard to the question you asked, at least in Charlotte–Mecklenburg where my experience comes from, it's becoming more and more common for folks to assault police officers, not only in process, perhaps, of resisting arrest, but for other reasons. And they know that it's a misdemeanor. They know the penalties aren't that severe, and we're putting police officers out there on the front line to make cases risking their lives to enforce the Law, yet when an assault takes place when an officer's the victim, it's a misdemeanor, and that's just not the way it should be. Things—

**SENATOR BASNIGHT:** Other comments?

**CHIEF BOGER:** (continuing) I'd just like to go on record that the North Carolina Association of Police Chiefs and the North Carolina Police Execs in the long session endorsed that bill and it didn't get anywhere in the long session, so I think from a standpoint that's about 800 officers, executive officers and chiefs. We supported that bill in the long session.

**SENATOR LEE:** Mr. President, thank you. I know that in the military service that if someone is killed in the line of duty the families are taken care of. Can someone tell me what happens to the families of police officers who are killed in the line of duty?

**CHIEF SWEATT:** Unfortunately, I have got too much experience in that. I can tell you a lot will depend upon the what electives the officer will choose when he joins the service. I am sure that it varies from city to city, county to county, but there are good benefits if the officer so chooses them. Also, from a workman's compensation standpoint, if that issue is clear. For instance, the last officer we just had killed last month, he was off duty shopping in a Food Lion; he was in plain clothes. A robber came in with a gun; he tried to take the guy into custody. He did not have his firearm; he was killed. The issue we had to argue with the Worker's Comp. was that when he made that decision to take that individual into custody, we're saying that was just as if he became a police officer. He put himself on duty, at risk, for the general public. So, we think he should be treated as if he were working. He will get much better benefits under Workman's Comp. under those circumstances. There is also a federal law, Public Safety Officer's Act, which if an officer is killed in the line of duty that amount of money is about $121,000 now and it goes to the parents of the officer. Does that help, Senator?

**SENATOR LEE:** Do we need to make any adjustments in the law to make Workman's Comp more accessible under those circumstances? And then let me, while I have the mike, let me pose one other question and then I will quit. Do we need to make any adjustments to allow officers to carry concealed weapons off duty?

**CHIEF SWEATT:** As far as the worker's comp issue goes, right now the individuals we are dealing with are leaning in our favor, and the argument that we have presented that he is on duty. So, it would maybe be a little premature for me to say that you should do anything there. As far as officers carrying weapons off duty, right now in our department, I can't speak for the other departments, that is an option it is not a directive. Police officers are just like everybody else. They need to be off at times. If you tell a police officer that he has got to carry his gun all the time, you may be asking a little bit too much of the police officer. If I were going to do that I would say why don't you go ahead and carry your radio, your handcuffs, your spray, and whatever else; just to arm them with a gun, due to the training we have, would probably put them and us in a liability issue neither one of us could come out of.

**SENATOR BASNIGHT:** Senator Cochrane.
**SENATOR COCHRANE:** Thank you, Mr. President. I would like to ask Chief Parks a question. He indicated that the availability of drugs and guns were greatly increasing crime. I am wondering if you have a suggestion about how we minimize the availability of guns?
**CHIEF PARKS:** That's a tough issue, and I can't say how we can get all the guns off the streets. Quite frankly, I don't know that we can. I do know that if we arrest those individuals who commit crimes with guns, and we give them long and stiff sentences that carry with them true and sincere punishment we can greatly reduce the violent crimes that we have in our communities. I also favor laws, tough laws, that deal with the issues of drugs and crimes as a combination.

**SENATOR COCHRANE:** A follow–up. Would you support the idea of ten–year automatic sentence when a crime is committed with a gun and no parole or probation possibilities in that ten years?
**CHIEF PARKS:** Very much so. Because in that ten years that individual can not commit crimes and threaten the lives and well being of others while he is sitting there in prison—very much so.

**SENATOR BASNIGHT:** Senator Kaplan.
**SENATOR KAPLAN:** Thank you, Mr. President. To the police chiefs, I assume that you have a man–power goal, woman–power goal, for your law enforcement. How short are you of reaching that goal now, by the numbers?
**CHIEF BOGER:** I'll try that one. By goal, I assume you mean allocated strength? In Charlotte right now, Charlotte/Mecklenburg, we have an allocated strength of 1,157 sworn personnel; we are about 28, 29 people under that. We have a request on the table for an additional 100 officers for the next fiscal year. That hundred would allow us to implement a community policing program county–wide, that's what its for. That's why it is such a large jump so quickly.

**CHIEF SWEATT:** Senator, I was going to make a statement that, you know, the feds are looking at adding 100,000 more police officers. I know there are many jurisdictions that could use more police officers, but my point on police officers is we are making the arrests out there now. If the individuals we were arresting were incarcerated for the true sentence they got in court we could actually cut our police strength.
**SENATOR BASNIGHT:** Senator Gulley.
**SENATOR GULLEY:** Thank you, Mr. President *Pro Tem*. I wanted to address a question, if I could, to Interim Chief Boger. It is very similar to Senator Cochrane's question which is, I thought that you in your remarks had made reference to the easy accessibility to drugs and also the easy accessibility to weapons. It is the latter one that I want to ask you about, the easy accessibility to weapons, and thought you might have on steps that we should be taking, particularly steps dealing with other than a proposal to add five years or ten years if you happen to have a weapon on you in the commission of a crime or felony or for firing it. Other than that, do you have thoughts about how we tackle the problem of easy accessibility of weapons?

**CHIEF BOGER:** I don't have any answers, just thoughts. But somehow you have to find a way a to make sure guns are available at least to people who have a need and a right to have them and somehow draw a clear line in terms of criminal use of firearms. I think I would be in favor of stiffer penalties for folks who use a firearm in the commission of a crime, but at the same time I know that you if automatically add five years or ten years to any sentence imposed for such a crime that the prisons will be full in two weeks and we are right back to where we are now. Somewhere there is a judicious, correct way to decide who should have a gun and who should not have a gun and to effectively punish or deal with those who misuse firearms, but I don't right now have that answer. Sorry.

**SENATOR GULLEY:** Mr. President, my only follow–up is that any help the Chiefs can give us or the Sheriffs on this would be helpful, thank you.

**REMARKS BY ROBERT BRISTOW**
**Assistant Chief of Police**
**Hamlet, North Carolina**

Good Evening, I'm Assistant Chief Robert Bristow from the Hamlet Police Department in Hamlet, North Carolina. I've been a police officer for twelve years. I've worked in most areas of law enforcement. I've arrested lots of people for all kinds of criminal activity. I attended a joint session of the Legislature yesterday. I was very pleased with the comments given by Governor Hunt and Speaker of the House Blue. I agree that criminal activity, especially violent criminal activity, is epidemic and it's destroying us.

Hamlet is a small town in the Sandhills of the State. Population is six–or seven–hundred plus—6,700 people. Our crime rate is on par with the rest of this State. When I returned to Hamlet yesterday afternoon, I looked at two criminal records. Both individuals are the same age; one has a record 9 pages long and the other has a record 7 pages long. These two people have been in and out of prison several times. Both are currently in the system; one man is White and the other one is Black. They are criminals who defy our criminal justice system. They steal from senior citizens; they break into their neighbors homes; they sell drugs; and one of the two has shot someone. These two men were born in November and December of 1966. These two men collectively have been sentenced to approximately ninety–nine years in prison. They have served a small portion of this time. I think that repeat offenders need stiffer penalties.

The issue of one's race does not determine whether or not one becomes a criminal. An individual makes that choice. Criminals come in all colors, both sexes, and all nationalities. If any person commits a crime, he or she should be held accountable.

Some of the people who are most affected by crime are the people who live in public housing. These people need help. They are tired of gunfire. They are tired of their homes being burglarized. They are tired of living in fear. Just last year the citizens in one of the housing areas in Hamlet, came to the police department for help. They wanted to step up police presence in the housing area. These people want the violence stopped. The majority of the people in this area are Black. They are not concerned about whether or not the criminal is Black or White; they just want some help.

Everyone has an opinion on the crime problem. I have mine. I do not think that being Black causes one to become a criminal. But I do think that anyone, and I say again, anyone who commits a crime, should be held responsible. Thank you.

**REMARKS BY JOHN BAKER**
**Sheriff**
**Wake County**

Ladies and gentlemen of the Senate, I'm just so pleased to be here this afternoon and express a hello to my two Senators, Senator Johnson and Senator Sherron. I, as Sheriff of Wake County.

I guess I take a different look at this whole issue of crime. Crime is so complex, I don't know that so many things involved here, I don't know that any of us have the true answer to it. But, first of all, I, as the Sheriff of this County, I have no absolutely, gentlemen and ladies, no sympathy for those individuals that violate the law. I don't sympathize with them whatsoever. But I do have a special concern for the future of this State, the future of this County, our young folk.

Now your Wake County's Sheriffs Department, we have a total staff in Enforcement Division of about 220 trained professional law enforcement officers that are responsible for about 856 square miles of territory. And you can very well see with 210 sworn law

enforcement officers, gentlemen, that is, gentlemen and ladies, that's not enough. So, that's why I continuously talk to those folk that I have to talk to, and that's the Wake County Board of Commissioners, about additional personnel.

In the Sheriffs Department, we have a juvenile unit, that specialize in nothing but juvenile cases; a juvenile unit, that specialize in nothing but juvenile cases. That's what I'm concerned about.

A lot of times, sometimes those cases make their way down to my office. And when they make their way down to my office, the first thing I want to do is talk to the juvenile along with his or her parents—his or her parents. And when they come in, right away, Mother, she's concerned about the company that this young person is keeping; she's gravely concerned about that, because Father, he hasn't expressed himself yet. But I give Mother the opportunity to talk; and just as soon as she finished talking, her 15–year–old son, listen to this now, 15–year–old son will say to her, "You are telling a damn lie. Don't you talk about my friends like that." That's a 15–year–old talking to his Mama. And what did Daddy do? Daddy sits there and said absolutely, totally nothing.

So, my point is, that we can talk about programs and we can put money into programs, but ladies and gentlemen, until we can get a hand on that environment, until we can change, if we can change our society, and if we can change parents from the way they discipline their children, we going to continue to have problems. We're going to continue to have our jails crowded, we going continue to have our prisons crowded.

Discipline don't start with government. It's not the responsibility of the government to discipline children. That discipline starts at home; and until, and I'm convinced of this, and I'll talk this way all day long and all night, until we can find a way to get in and change that environment, we're going to continue to have these problems.

Now, that young person, we can have the very best in terms of education, and we have that, but that young person spends more time in that environment than he does any place else. And that environment has a commanding force over those individuals.

And all of us in law enforcement know that the best tool that we use to combat drugs is undercover operations. We all know that. And we all do that. We do it here in Wake County, all over Wake County, all 856 square miles of territory. And those undercover operations take some time. And usually we go in and make arrests at the end of those undercover operations. And a lot of times, I go and assist in those arrests, but I'm not concerned, I am not concerned about that adult that get caught up in the violation of the narcotics law, I'm not concerned about that. But what I am concerned about is when we gain entrance to that house and on the inside of that house, as I go through that house, I'm looking in the faces of those young doctors; I'm looking in the faces of those young lawyers; I'm looking at the faces of all kinds of young professional people. And I ask the question, do they have a chance? And the answer comes back to me, no, because 95 percent of them are trapped in that environment, and they can't get out. Five percent will rise above that environment. So, my point, ladies and gentlemen, is that discipline starts at home and we can't get around that.

We just sometime ago instituted a program here, I'm sure that all these gentlemen have, where we put Deputy Sheriffs in schools. It's bad that we have to do that, but in the society that we live in, we have to do that. But, until the parent or the parents take their responsibility, if the teacher has to take five or ten minutes out of their valuable time that has been given him or her to discipline, then that takes away from that individual that wants to learn.

I love to talk to our young people and when I go in and talk to them, the first thing that some of the individuals what to talk to me about is racism. Yes, racism is here; yes, racism has been here; yes, racism is going to continue to be here and in some places it's getting worse. So is drugs, so is alcohol, so is sex at a early age—but are you going to

let that keep you down from becoming a productive citizen? No, you shouldn't. Whatever it takes to go through racism, around racism, same thing is true with drugs; then you take that course, because the goal that you have set is to become a productive citizen in this State and in this Country. But until we can do that, I think it's somewhat a waste and I might be exaggerating that, but I appreciate the opportunity to be here.

**SENATOR WARREN:** Sheriff Baker, I believe you have an outstanding program in Wake County on the youngsters they take out of schools. Would you speak on that just briefly?
**SHERIFF BAKER:** Yes sir, I'd be happy to. Some time ago, I, I'm so interested in our young people, some time ago I called some officials to come into the office and lets talk about these young people and violence in our schools, and the Chairman of the Board of Education was there, along with the District Attorney, along with the Chairman of the Board—of Wake County Commissioners, as well as some young people—some young people from our school system. And I asked the question of the Chairman of the Board of Education, will these individuals expelled or kicked out of school, where do they go? I knew where they went, I had the answer, but I just wanted to find out if he knew where they went and what happened to them. And sadly, he did not know; sadly, he did not know. But I knew that these individuals when they're kicked out of school, they go and do absolutely nothing, they end up on a corner and subsequently they end up in my jail or somebody's jail; and then on to prison.

So, I said to him, I've got an idea or program here, that I think is worth pursuing, and we called it the continuing education incarceration program. If you violate the law and if the judge will see fit to let me have 'em for four, five or six weeks, or maybe longer than that, ten weeks, then what we will do, we will take them and incarcerate them in our Hammond Road Facility. And with the cooperation of the school system, and they have cooperated with me on this, we will take those individuals, we will put them in the back of one of those patrol cars, we will handcuff them, take them to school, turn them over to the principal—take the handcuffs off—turn them over to the principal, and then they will proceed to their class.

Now, I said, to the principal and to the teachers. If the individual decides for whatever reason he's going to continue to do the things that he did before he got there, then all you got to do is call us; call us, we will come back and get that individual. We won't stop at the Hammond Road Facility, we will take him before the judge, and indicate to the judge that this individual is not interested in education. He's not interested in pursuing an education.

And what's at our Hammond Road Facility, we have a structured program for them there. When they came in and they wanted to look at television, they wanted to get on the phone and talk all night to girlfriends or boyfriends or whoever; no, that's out, that totally out. You've had enough of that. Now is the time to get down the business, to try to get something in your head, and that program has been very successful. We have had about 12 individuals in that program, and I think out of the 12, about 11 have survived that program. And I got some flack when we first started the program about handcuffing the individuals and taking them to school. But you know that's fine, I have to withstand that, and I withstood that. But my concern, my main concern was to continue that individual's education. So he or she could get something in their head. So, as I said, that program has been very successful for us.

**SENATOR BASNIGHT:** Sheriff, we have more questions.
**SHERIFF BAKER:** Fine.

**REMARKS BY JIMMY JOHNSON**
**Sheriff**
**Davidson County**

Ladies and gentlemen, it's a pleasure to be here with you tonight. Ladies and gentlemen, it's a pleasure to be here with you this evening. My name is Jim Johnson. I'm the Sheriff of Davidson County, and it's a pleasure to be here with one of my favorite Representatives, Mrs. Betsy Cochrane.

It's kind of tough being on the tail–end of this panel. My colleagues have done talked about everything that there is to be talked about. However, a couple of points I would like to make. In 1980, this State was 41st in crime, today we're somewhere between 16th and 17th in crime in the Nation. In 1980, we were one of the leading states for incarceration, and today we're at the bottom of the list for incarceration. So, I think this tells us that incarceration does work.

We just did an investigation and arrested twelve individuals. We had over 50 homes broken into in our County. Two of these individuals were convicted murderers; one pulled 16 months and one had pulled 12 years.

I believe in the three–strikes–is–out program of Governor Hunt's and I think we're going to have to start being tough on criminals. One of the Senators asked about the availability of guns. We just worked that undercover case in a flea market in my county, and we worked it with the ATF, federal folks. We, over about a 12 month period, bought numerous handguns. As we got to checking back and following up on where these handguns cam from, we had two pistols that we had purchased that had consecutive serial numbers, and after checking we found that a lady in the State of Kentucky had walked into a gun dealer and purchased 130 handguns in one day, and two of these guns came out of the 130. So, the availability of handguns is there.

One of the Senators spoke on manpower. I've been in law enforcement 22 years, as a Deputy Sheriff and now as Sheriff. When I took over in 1990, as Sheriff, my jail was averaging 95 inmates a day. Today, we average anywhere from 180 to 190 and on some weekends we have anywhere from 205 to 210 in our jail, with the same number of staff. I think sheriffs' departments all across the State have this same problem—manpower.

I agree with Sheriff Baker on we need to start programs and start teaching our children not to be criminals. I think it's tough to teach a child not to use drugs, to come home at a decent time of night, when that child is in a single–parent home, or in a home where the parent themselves use drugs, and the parent themselves stay out all night, and set a poor example for the children.

I appreciate the opportunity to come speak with you this evening and I think this crime problem is a great problem and I think we're heading in the right direction, bringing it to the surface and putting it out before the chiefs and the sheriffs. Thank you.

**REMARKS BY ROLAND DALE**
**Former Sheriff**
**Hyde County**
**and**
**Director of ALE**

Can you hear me? How about now, can you hear me? Thank you very much for inviting me here today. My name is Roland Dale, I'm Director of the State Alcohol Law Enforcement. Prior to that I was a Sheriff for ten years in Hyde County; prior to that I was a Sheriff of Hyde County for ten years; prior to that I was a highway patrolman for fourteen years. So, I've kind of seen crime in all different phases of it.

There's three things I'd like to talk to you about today. Number one: back in September, we went to all 100 counties in the State, the Alcohol Law Enforcement agents did and talked with Sheriffs; all but four responded in the State as to what problems alcohol was causing in their counties, and also what we could do to better help them with their problems. Out of 96 Sheriffs that responded, 52 of the Sheriffs stated that—54 percent of them responded that all violent crimes taking place in their counties were alcohol–related. When asked what we could do to assist them in that, 96 percent of them said they needed manpower, such as undercover people to come in and work. Your bigger counties, your bigger departments have enough manpower to handle a lot of that problem. Your smaller counties don't. They, if they get an undercover person working in just a very short time everybody knows who he is and he's no more use to them. The illegal outlets in the counties are causing a lot of problems. This is the one that do not have a license to sell alcohol. We are 15,235 outlets today that are licensed in the State of North Carolina to sell alcohol, liquor–by–the–drink, on–premise and off–premise alcohol. In some of the counties, the illegal houses, which are the shot houses, the places people just sell alcohol all night; they sell drugs; they sell firearms; they buy stolen property; they sell stolen property.

Some of the counties said that 92 percent of their crime was coming from those outlets. Bladen County said 92 percent of their crime originated there. Union County said 90 percent of their crime, Henderson County, Rutherford County, Brunswick County and Alamance County said very high amount of their crime was originated in those illegal outlets. As I have stated, you can buy alcohol 24 hours a day. You can buy drugs 24 hours a day. You can go there and you can sell stolen property, you can buy stolen property. Your kids are going there that are underage that can't buy alcohol from a licensed outlet; they go in and buy it from these places. They are going in and buying a gun and a little later on I will talk to you about the gun thing.

One other thing that we have talked about with people is these convenience stores. There is a high rate of crime in convenience stores. We talked to people in the east and people in the west. One was the Quick Stop Food Market in Fayetteville; Mr. Johnnie L. Wood, who is executive vice president. They have sixty locations in North Carolina, forty of them presently in Cumberland County says "We have closed four locations in the last two years because of the deterioration of the neighborhoods and the violent crimes in these areas. We felt our employees' safety was in jeopardy. We continue to have problems with violent crimes, robbery, intoxicated and abusive customers, and minors attempting to purchase alcohol. We are requesting your assistance in providing law enforcement agencies to help with the problem in our stores."

Another one was the Handy Pantry in Gastonia says "We presently have sixty–six locations after closing four in the Charlotte area because of crime and violence. We have been plagued with problems due to minors attempting to purchase beer and wine, inebriated abusive customers, robbery, and violent crimes. We implore your agency to aid our stores in these ongoing problems."

We're presently working on a grant from the Governor's Highway Safety to start a program called Cops in Shops. This is already going on in several states now and what we would do is go in and have an agent working inside posing as a clerk. We would target the stores that have the most problems and target the days that it has happened, mostly the hours of the day. There is no way we can work many of them but we figured if we could work some of them and catch some people in there maybe we could be a deterrent there.

The last thing that I would like to talk to you about is some of you are talking about firearms. We have been working on some things for a while on that. There are 7,882 licensed firearms dealers in the State of North Carolina. These people can pay ten dollars to the federal government and get a firearms license. They can buy a tractor–trailer load of firearms a day and bring them to any city, any county, in this State and the local officers have no

way of knowing anything about it. The Sheriff would never know it if they brought them in. There are eight ATF agents that work North and South Carolina to monitor this but they say they can only monitor about 2 percent of the people that sell firearms; they can only check on them.

Right now we are working a case that we had an informant that said he had taken over two hundred people to a gun dealer and bought guns. And they would have a fifty dollar gun that was worth about fifty dollars and they would sell it to the guy for three hundred because he knows he couldn't buy it anywhere else and so they have an opportunity to make three or four hundred percent on that weapon. We sent one of our agents in under cover; he bought three handguns, a rifle, and a mack–10, and we have him on tape saying he can get him anything he wants up to automatic weapons, if he's got the money to get it with. If we don't do something to investigate people before they get a firearms license and make sure that they are capable good citizens that will run that business the way they should, and not sell'em to anybody, we're never going to slow it down. There is not a gun on the street today that didn't come through a licensed dealer at one time or the other. Once they get out it's nothing you can do about it. They are everywhere. These illegal outlets I was talking about, guns turn up there; they buy'em, sell'em, whatever. If—one thing we've found that a dealer will buy—will sell a gun to you with a permit for a hundred and fifty dollars. Sixty days later you're running short on money you come back and sell it back to him for fifty dollars. And then the next man comes along and he doesn't have a permit, he will sell the same gun for three hundred dollars. And they are flooding the State with guns.

**SENATOR BALLANCE:** Thank you, Mr. President. Chiefs, and Sheriffs, this question—this concern, there is some idea that we ought to enhance crime as one question was asked about adding, I believe, ten years. Are you finding that the judges in your jurisdictions are not giving out enough time or that simply the people are not serving the time that they are being given by the judges?

**SHERIFF JOHNSON:** Senator, I think the judges are handing out the time. I think that the structure of the Parole Commission where a man can get five years and in less than ninety days be back in my county breaking in houses is the problem. We have them get four, five, six, seven years and we think they will be gone for a good period of time and then three months to six months they are right back out breaking in our homes again. Thank you.

**SENATOR BALLANCE:** Thank you, Mr. President. Just—do you have any soft judges up in New Bern and Charlotte. I mean, are these judges not giving out the time?

**CHIEF BUMGARDNER:** In New Bern I can tell you that such as Judge Phillips, Superior Court Judge, hands out lots of time, but he is having to hand out lots of time so that the people will stay gone for up to a small time. That's the problem, it's no longer swift and it's no longer sure. When I got into law enforcement everybody wanted probation; that's what the attorneys went in for, you know, work a deal for probation. Now, it's lets work a deal for time because probation means more time.

**SHERIFF BAKER:** Senator, we have some tough judges here in Wake County, and I'm sure you know that, but the problem, as I see it, is that cap that these people are handicapped with that they have to let so many people out on a given time before they actually serve their time.

**SENATOR WINNER OF BUNCOMBE:** I want to ask this to all of them. Its related to what Senator Ballance just asked you and what you alls responses were. Some of us have introduced a bill to have another two hundred million dollar prison bond issue. I am sure you read that in the newspapers. The question I have is not whether you are for that. I just want, since you come from a fairly broad geographical perspective from around the State, I want to ask you if, assuming that we are honest with the people and tell them

that such a bond issue would build about six thousand beds and prisons and juvenile correction centers, and that that would cost about $20 million a year to pay off the bonds and another $120 million a year to operate those facilities, and might, in the future create the need to raise their taxes some to pay for all that, how many of you think the majority of the people in your area would vote under the present circumstances for such a bond issue?

**SHERIFF BAKER:** I think that here in Wake County you would get a favorable vote on that. That is just my personal feeling.

**SENATOR WINNER OF BUNCOMBE:** Other than Sheriff Baker—if the rest of you raise your hand if you think you would, or you can comment either way.

**CHIEF PARKS:** I think the taxpayers would be in support of this. I think they realize now, they are better off to pay more taxes for such a measure as this, than to risk life or property and pay a much higher cost if this type of a measure does not take place. I think the people are ready for it.

**SENATOR BASNIGHT:** Who has an adverse opinion to that?

**CHIEF BUMGARDNER:** I have one. The only adverse opinion I have to that is the last bond issue, where we were going to build the prisons, I don't think they've ever seen those prison beds develop; and I think that might leave a bad taste in their mouth because they never materialized.

**SENATOR WINNER OF BUNCOMBE:** Well, they are materializing.

**CHIEF BUMGARDNER:** Slowly.

**SENATOR WINNER OF BUNCOMBE:** Mr. President, I've got one other question. It's not related to that but it's related to something that Sheriff Johnson said; and I don't know who I'm addressing this to either. There's gotten to be a theory, and it shows up in the structured sentencing act much to my dismay, we tried to correct it in the Senate and couldn't get it corrected, that breaking and entering and burglaries and those kinds of crimes and arsons, too, are not crimes of violence. And, therefore, they've been downgraded versus sexual assaults and murders and things that are directly against a persons body. Now, the question I have is do you all, as law enforcement officers, consider those crimes—breaking and entering, burglary, arson—as violent crimes, serious crimes that need to be treated just as seriously as the other crimes or not? That's my theory but I may be off and I recognize, you know, to me those are just as serious as the rest of the crimes that have been treated seriously. I want to know what you all think.

**ASSISTANT CHIEF BRISTOW:** I will try to be brief in this. Several years ago when I lived in New Jersey, my house was burglarized. I was at school, my wife was at work. When I came home there was several police cars in the yard and all the lights were on. Several items were stolen, nobody was hurt and that kind of thing but my wife had to come home to that house that was burglarized. I don't think the person should get life in prison, but I don't think he should stay in jail for two weeks either. I think the penalties should be stiffer than what they are. Just two years ago we arrested some guys for armed robbery. They had robbed people in Hamlet, went to Wadesboro, robbed a lady of her car at gunpoint. That young man is on the streets already. That needs to stop. We need to say that if you commit the crimes you are going to pay for it.

**SENATOR BASNIGHT:** I believe what the question was was that there is not even any opportunity to serve any time. Is that what you are saying?

**SENATOR WINNER OF BUNCOMBE:** Just repeat, repeat, repeat—unless those first-timers are not treated, I mean they downgraded them because you've only got so much prison space and they upgraded some things and downgraded those crimes, the breaking and entering folks, this structured thing comes in. Most of them are never going to get sentenced at all for the first time or two.

**CHIEF BOGER:** Can I just answer that one, not with a good answer, just a perspective. What we have to understand here, in particular, in regards to store breakers, house breakers, thieves, and a lot of other criminals as well, is they go through a calculation much like any of you would do if you wanted to open a business. You try to understand what your gain and your profit's gonna be and you weigh that against your risks. And in the case of a house breaker, for example, the chances of getting arrested is small. If he is arrested, the chance of getting prosecuted is small; if he is prosecuted, the chance of getting convicted; if convicted the chance of actually going to jail. The risk is slight, and given that he is not doing a formal calculation, but he knows these things. And until we can change that situation, he's going to keep breaking into houses.

**SENATOR WINNER OF BUNCOMBE:** Mr. President, let me just make one short comment here, maybe, I hope it will be a little clearer. See I consider those crimes, crimes of violence, even though no person may even be in the house. Of course, they don't know that, whether somebody is going to be in there or not when they go breaking in. But the person who's got, as the Chief said in New Jersey, who's got to come back and live in that house knowing that his castle has been violated, it seems to me that they've done that person violent damage even though they may not have taken their arm off and that those things ought to be treated as crimes of violence, not as non–, so called, non–violent crimes.

**CHIEF PARKS:** Senator, it may be something we need to consider, consider those as crimes of potential violence. They may not in many cases involve someone being hurt or injured but the potential is there and it is correct to say that when an individual realizes there is no real chance of loss for him he is more than likely to commit those crimes. Maybe we need to look at that as a crime of potential violence and that a severe crime that would carry some weight in terms of imprisonment and punishment if convicted.

**CHIEF SWEATT:** Senator, if you take that one step further you take a lot of the white–collar crime that is occurring in our communities today. Say it is embezzlement, you have those kind of individuals destroying businesses left and right and, because of this new sentencing structure, they are getting smacked on the wrist.

We even have cases where, if its not over five thousand dollars in our county, the district attorney tells them go get them a lawyer and do something civilly and its a clear–cut crime violation; and as this continues, your businesses dwindle out of the community and go somewhere else. And I think what we've got to do here at the State is capture a vision. What if we were the safest State in the nation?

**SHERIFF BAKER:** Senator, I think we've got to realize today that we are living in a different society than when most of us came under; and the individual nowadays, his attitude is different than most of ours. He could care less—he could care less about the penalties. You can make'em as high as you want to be and that individual that is going to commit crime, he could care less about that. And I have seen that in my talking to these individuals; they don't care how or what the penalty is as far as these crimes are concerned; and we've got to realize that the individual today has a different attitude than what most of us had when we came along. So that individual today, I can't over emphasize that you can set the penalty as high as you wish, he or she is still going to commit those crimes.

**SENATOR MARTIN OF PITT:** Sheriff Baker, I admire you for your youthful programs, your concern for, and your love for youth and what you are trying to do for them. You are a perfect individual to do such a good deed in Wake County in that you are an old ex–tackle, I believe with the Pittsburgh Stealers professional football, and they certainly would and should look up to you for your own accomplishments. My question to you, I suppose, is—you spoke of the 15–year–old and the way he spoke to his mama and what she was saying about his friends. I know what mama used to do and I am just wondering what is your advice and counsel to all the mamas today. He didn't just start talking like that at 15 years of age. He started way back 9—10 years of age talking to her in that

manner and he was possibly not corrected; and so in this enlightened society in which we live today, what would be your advice to mama?

**SHERIFF BAKER:** Senator, the thing that concerned me was that daddy sat there and said absolutely nothing. I got up from around my desk and came and got right in the individual's face and told him in no uncertain terms that it is obvious to me that you don't have any respect for mama and daddy, but you sure are going to have some for me in this office. That individual, obviously, and that's true all over this Country with individuals, that individual had no discipline in the home from mama or daddy.

Somewhere along the line, Senator, we have got to put a stop to these individuals before they can get up to 15 years or even beyond that. We are not doing that as parents. We are not doing that from the home. And I strongly believe that until we get back to that then the situation is going to continue to be like it is. Now I am sure that you or I or any other individuals in this Body, if you would have even thought about that, you can imagine what mama or either daddy would have done to you and that is not being done to our young folks today.

They talk to me about child abuse. Now child abuse is something that all of us got to be concerned about but there is a difference in child abuse and disciplining your child. There's a strong difference, but I hope that I answered your question.

**SENATOR SHAW:** I welcome this chance because I have some Chiefs from some major cities and a major county here. But as some of you know, there's been a proposal made to rather than building prisons as we have known them. I am one of the few people, probably, old enough to remember the German POW camps that we had ...(inaudible)...people, and various people in but they were the same type barracks we lived in; they were concrete–block structures with slab floors and they had wire fence around them with barb–wire and guard towers and people stayed there and they worked. And I think when we talk about building prisons, that we are talking about elaborate structure and I don't think the general public wants elaborate structures. I think probably that we can build work–camps—not boot–camps, not mountain–camps; hell, you pay to go to those things! I am talking about work–camps, juvenile work–camps and adult work–camps.

Chief, I think, that probably tonight you could take 800 people off the streets of Charlotte and probably solve the crime problem this weekend coming. You could do the same thing in Winston–Salem, Greensboro and Raleigh and Durham.

And the lack of respect now that Sheriff Baker talked about, I work a lot of young people and I see that also Sheriff. And I remember one kid last—three years ago; his father's a doctor; he's an M.D.; he couldn't control the kid. The family was separated and the boy wouldn't have no respect for his teachers and finally he went to Morganton for eleven months. He has a lot of respect now, he gained respect because he finally found out that it stunk.

And I think that the young people now that are arrested—and DOC people tell me that the turn–around now for a two year misdemeanor is 12 to 14 days—well, they go back home and they are pretty big people because they just proved nothing is going to be done to'em.

But I think that I know in my county and probably in Mecklenburg County, and Forsyth and Wake that the county could contract with the State and let the State build these types of facilities in their counties. We have a 770–acre prison farm in Guilford County now and I was County Commissioner for 8 years and we work prisoners. We have 300 miles of dirt road alone in Guilford County; I don't know how many thousand miles of paved road, that constitutes 600 miles of ditches and right–a–way. We have 94 schools. We're paying $10 to $12 an hour to temporary services for people to mop the floors in county buildings. And we have all these people out here that the justice system is sending back home to do more robbery, to steal more, and to carry out their criminal activities.

I think that the State could work very well working with the counties that would work with them and contract with them. The county could contract, Mecklenburg County, Guilford County, could contract with DOT to provide these services; to do the right–of–way; to maintain the schools; to do the janitor work; to raise vegetables and beef and pork and chickens and eggs. We fed all the jails in Guilford County when I was there. And people had to work and the juveniles that have never struck a lick of work in their lives let them work on the farm. Let'em learn to mop floors; let'em learn to sweep; let'em learn to pick up beside the roads. I don't think boot camps are the answer, mountain camps. I think work is the answer.

And when we talk about rehabilitation, all of you folks have worked people and you can go out and spend one day with 50 people and you can pick out those that are going to become somebody. You can tell by the way they work and the way they act if they have possibilities. And when those people finish their time, then let the county hire them, and let them become supervisors. Let them become the people who say what you do. I think we have to rehabilitate. I think we've got to get away from from all the programs that we're talking about and concentrate on one thing and that is make'em work. And when you do that, you're gonna open up the prisons, as we know prisons now, for your hardened criminals and put em' in there and leave them there.

I'm not as worried about rehabilitation as I am about crime in my area, in my district, in my city. And I think we're gonna have to look at things that haven't been done anywhere else before. We gotta try something new and that's to protect the public. The people in my district are not concerned about rehabilitation; they're not concerned about reconstructive services. They just want to be safe. They want to walk in the parks at night; they want to drive their car at night. They don't want to come up to a stoplight and lock their car doors every time they come to a red light, thinking somebody's going to bust their windshield out or stick a gun or a knife at their neck. They want protection. They want us to get them off the streets and keep them off; and I think we need to do that. And I'd like to hear some comments from some of the chiefs and the sheriffs about if they think that the work camp will work in their counties and cities.

**SHERIFF BAKER**: Well Senator I, as Sheriff of this County, I strongly believe in work because when I came along the standards for work were set at home with John and Louise, my mother and my father. So, I strongly believe in work. As the Sheriff of this County, we are not, our facility is not what you might call a prison. Our jail is more or less pretrial facility that the large percentage of those individuals that are placed in our jail have only been charged with committing a crime. They haven't been convicted of anything; they've only been charged. Because operating that jail we have to conform to the standards that are set forth by those regulatory agencies, whether they be State or federal. Now, we're still getting some grief about the facility that was built there in Wake County and that is a public safety center. When that facility was built the media came out and talked about a Holiday Inn or Hilton Inn or Waldorf—that could be anything but the truth. The truth is—

**SENATOR SHAW:** Sheriff, excuse me just a minute. I'm not talking about using jails. I'm talking about a reversal of the way we build our schools. The system we've known for a long time—the county builds the school and the State provides the teachers and the facilities, and helps out there; provides services. I'm talking about the State building a facility in your county; building enough room for 500 prisoners, a 1,000, or whatever you need, to hold your own people in Wake County or in Mecklenburg County. And let the judge put those people in this facility. Let the State build the facility, the reversal of the way they do the schools, and let the county operate it. That's what I'm referring to.

**SHERIFF BAKER**: Senator, I agree with you. I don't have no problem with that concept at all.
**SENATOR BASNIGHT:** ...(inaudible)...

**SENATOR LEE**: Sheriff Baker you've made one statement that got my attention and I wonder if you can take it just a little bit farther. You, in response to Senator Winner, said the length of time or the harshness or the level of sentencing doesn't faze the person at all. What are our options, then, or does that happen because we're not at this time able to carry out that sentence to its fullest, or do you think even if we did that, there would not be any impact? And if the answer is yes, then what would you propose we do to get that attention?

**SHERIFF BAKER**: I think a great deal of it is that you are not able to carry it out to its fullest extent at this particular time. But, I really, Senator, don't have an answer for it, but I do know that these individuals out here have no concern about the sentencing structure. They don't get concerned about what the after–effect is going to be. They could care less. Because if they did, if they thought about that, a lot of them would not commit crimes. So, I don't think that they're paying attention to what the outcome is going to be. Of course, they take the attitude, well I'm going to commit crime and I'm not gonna get caught. So, I don't know. It's hard for me to answer that question, Senator.

**CHIEF BUMGARDNER:** Senator, I agree with Sheriff Baker's comments but what you'll also find out is that there is absolutely no remorse shown by these criminals. They could care less. They have no remorse and it is really scary talking to these individuals on the streets after they've committed the violent and serious crimes.

**SENATOR BASNIGHT**: ...(inaudible)...thank you for giving of your time...(inaudible)... opportunity to have...(inaudible)...sincerely appreciate all of you. Thank you very, very much. (applause)

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**SENATOR SANDS: Mr. Chairman, I move that we do rise from the Committee of the Whole.**

**SENATOR BASNIGHT, Chairman of the Committee of the Whole Senate, places the motion which prevails with unanimous consent and the Senate rises from the Committee of the Whole, without report.**

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**EXHIBITS SUBMITTED BY PANELISTS**
**COMMITTEE OF THE WHOLE SENATE**
February 8, 1994

**[EXHIBIT A]**
**Submitted by The Honorable Don H. Betz**
Mayor of Wilmington

On file in the Legislative Library with Committee Minutes, a bound booklet entitled: **"A PRACTICAL GUIDE TO WILMINGTON'S COMMUNITY WELLNESS PROGRAM"**

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**[EXHIBIT B]**
**Submitted by The Honorable Floyd Brothers**
Mayor of Washington

(Logo)
PAMLICO PALS
INC. "A Governor's One–On–One Volunteer Program Serving Today's Youth"

Pamlico Pals, Inc. is Beaufort County's affiliate of the Governor's One–On–One Volunteer Program. There are 42 programs through out the State of North Carolina with each having a localized name. Although the overall program began in 1977 during Governor Hunt's first administration, Pamlico Pals started in February 1984. The program is administered by its Executive Director, and governed by a 15 member Board of Directors. Administrative funding is provided through Federal and State grants with operating funds coming from local donations, grants and funding.

The program matches a caring and supportive adult friend with a troubled young person who needs encouragement and special direction while growing up. The basic belief behind the program is that our young people today need a positive role model– a real pal– to spend time with them, listen to them, patiently guide them, and believe in them. After training and screening, volunteer matches are paired with a youth and both commit to at least 4 hours together a week for a year. Those hours may include helping with homework, going window shopping, visiting the library or sporting event, just being together and talking and listening as friends. Our youth are both boys and girls, ages 7–17, that are referred to Pamlico Pals by Juvenile Court, law enforcement, schools or other community agencies. Pamlico Pals is proud of its record of having over 85% of its participants **NOT** returning to the court system as a direct involvement in the program. Pamlico Pals is committed to helping change youth from a life that could possibly make them a "burden to society" into their fulfillment as productive citizens.

The N. C. Bill that is part of Governor Hunt's crime package for 1.1 million dollars is sponsored by Representative Paul Luebke. These monies will establish 11 new Governor's One–On–One programs as well as boost the amount of funds going to existing programs. As it stands right now, it is costing the State approximately $42,000 per year to send one child to training school. Statewide it cost only $1,700 per year to involve a youth in our program. Pamlico Pals is a responsible and viable alternative to sending a juvenile to training school.

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**[EXHIBIT C]**
**Submitted by The Honorable Rebecca R. Smothers**
Mayor of High Point
(SEAL)
**CITY OF HIGH POINT**
**North Carolina**

Rebecca R. Smothers
Mayor

**M E M O R A N D U M**

| | |
|---|---|
| **TO:** | Senator Bill Martin<br>Senator Mary Seymour<br>Senator Bob Shaw |
| **FROM:** | Rebecca R. Smothers, Mayor<br>City of High Point |
| **SUBJECT:** | **PRESENTATION TO NORTH CAROLINA SENATE** |
| **DATE:** | February 8, 1994 |

* * * * * * * * * * *

I am attaching a copy of the remarks I presented to the North Carolina Senate. I am very appreciative of the opportunity to convey our concerns as well as our support for substantive changes in the juvenile code.

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Thank you for the opportunity to make comments at this public hearing on crime. I want to commend the Governor and the Attorney General for their leadership. And, I also am impressed that the North Carolina Senate is addressing the crisis that is building in our communities across this State. With vision and courage, I know we can put this malignancy of crime in remission.

I must use this time before you to stress the urgency of dealing with **juvenile crime** which has exploded in the last five years.

Our police officers struggle to deal with juvenile crime under a system designed to handle hubcap theft and joy–riders. Juveniles account for an astounding amount of the violent crimes and drug offenses in our community. The current juvenile code is hopelessly outdated. As an example, North Carolina General Statutes Section 7A–675(g) prevents the disclosure of the identity of a juvenile under investigation. There is no exception even when the juvenile poses a threat to public safety and is evading police capture. Our police are often hampered in apprehending juveniles because they cannot effectively enlist the public support without revealing the juvenile's identity (use Central H.S. example).

Another example of the juvenile code unduly restricting police is North Carolina General Statute Section 7A–596. At present, a law enforcement officer who fingerprints or photographs a juvenile without obtaining a non–testimonial order is guilty of a criminal misdemeanor. The police need a data bank of juvenile offenders. Most are repeat offenders. It is also often impossible to obtain photographs of juveniles unless the police take one when the juvenile is apprehended.

Lastly, we call for an amendment to allow a judge to review an adult defendant's juvenile record before sentencing him. It is impossible for a judge to get an accurate picture of an offender without the juvenile record. **(refer to example again).** Granting a clean slate at a certain age is absurd considering the type and frequency of crimes being committed by juveniles.

Local elected officials recognize that the primary duty of government is to protect its citizens. That sacred duty must guide your efforts in reforming our criminal justice system. The people are fed up with government seeming to be so preoccupied with the protection and rehabilitation of criminals. We implore you to weigh every proposal for reform against the likelihood that it will result in the protection of the law abiding members of our communities. And, we ask for the opportunity to comment on possible legislation.

We are rapidly approaching the day when our police officers will decide that risking their lives by aggressively policing is pointless. The system plea bargains or dismisses their cases, grants probation instead of real punishment and releases repeat and violent criminals from prison after serving less than 1/10 of their sentence. The danger to our citizens when our officers decide that it is simply not worth the risk is frightening and obvious.

Our criminal justice system, in its present form, is neither respected nor feared by those who are inclined to commit crime. This is especially true of those who are inclined to commit crimes of violence. A fairly small group of predators is responsible for the overwhelming majority of the violent crime. The fact that violent criminals repeat their crimes over and over again speaks volumes about the ineffectiveness of our criminal justice system.

In your hometowns across this State, we are hiring more police officers, assisting neighborhoods in their efforts to "take back our streets," funding prevention programs, aggressively pursuing economic development so we will have better jobs – we are all investing in our hometowns. But, we need a partnership with you. We ask that you direct your attention to <u>your</u> statutes – **change them.** Only you are in control of that part of the crime issue.

**EXAMPLE:**
November 8, 1993 3:10 p.m.

In the bus parking lot of a local high school, a fight occurs between a sixteen–year old student and a fifteen–year old who had not attended school in a year and a half. The fifteen–year old pulls a gun and fires six or seven times. Two students are hit – one in the thigh; the second was grazed on his wrist.

A police officer was parked in the parking lot when the incident occurred. He heard the shot and drove to the disturbance. Student identified the suspect who had ridden off on his bicycle. The suspect could not be found.

—A secure custody order was obtained
—Police searched for the suspect for two days
—Day 3 after the shooting – the suspect is entered as wanted on the National Crime Information Center. Suspect's father denies knowledge of his son's location
—Day 4— High Point detectives travel to Reidsville and Eden to interview relatives to no avail
—Day 5— The suspect's father is found dead of gun shot wounds. The son is a suspect. Relatives continue to deny knowing where he is
—Day 7— High Point police request Reidsville police check with relatives again and they found suspect hiding
—Suspect admits shooting at Central High School, but denies any knowledge of death of father

QUOTE ON A POLICE REPORT:
"Due to existing North Carolina laws, we were unable to obtain a photograph of the suspect. We were unable to release his name or photograph of the suspect to the news media to aid in the search of the known suspect".

**E X A M P L E:**
Remember the fifteen–year old who wounded two students...

He has been charged as an adult but when he appears in court it will be inadmissible to present that this fifteen–year old actually sold cocaine to an undercover officer in June of 1993, and had been charged with possession to sell and deliver as well as sale and delivery of cocaine.

At the time of shooting, these charges were pending and have yet to be tried.

Yesterday, this fifteen–year old was indicted on the high school shooting.

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**[EXHIBIT D]**
**Submitted by The Honorable Nancy Jenkins**
Mayor of Greenville
and
President of the League of Municipalities

**PART 1.**

Good afternoon, I am Nancy Jenkins, Mayor of the City of Greenville and current President of the North Carolina League of Municipalities. Senator Basnight, may I thank you and all the members of the Senate for this very special opportunity to share the municipal viewpoint with you today as we work together in seeking to curb crime in our communities.

If I might, I speak first in my role as League President representing the 502 cities and towns across North Carolina which are eager to be partners in your commitment to deal with crime concerns in our State. We certainly appreciate Governor Hunt and all of you for your concerted efforts to study both punishment and prevention as you address crime in North Carolina.

As you well know, municipalities are on the front line in the daily battles with crime across the State. City and town councils struggle with the dilemma of lean budgets as we endeavor diligently to provide police service, recreation, affordable housing, Housing Authority programs, early intervention, employment opportunities, economic development, and coordination with other agencies in combating crime. We are doing many things well but we know we must do better and smarter what we are already doing. There is no easy answer to our crime crisis. There is no one answer. There is no simple answer. The problem belongs to all of us. The problem affects all of us and all of us must work together for multiple solutions.

As you study these issues we would ask that you remember the critical role local governments are playing in law enforcement today. The vast majority of law enforcement officers in this State are employed by local government. Any proposal to fight crime must address street level enforcement, and that means addressing the role and resources of city police officers. We already have some of the finest men and women serving in sworn law enforcement to day. As you consider solutions to rising crime problems, we suggest that you invest in the already existing resource of local law enforcement.

As you consider local government as an effective partner in the campaign against crime, our hope would be that you not mandate action by local governments and fail to pass on the necessary resources to do so. Adopting unfunded mandates for local government is not the partnership we would desire.

While enforcement and punishment are vital in the crime war, prevention and intervention programs are of equal importance. Local governments already provide DARE officers, quality recreation and parks programs, teen centers, human relations groups, public housing programs, and many other preventive strategies. We need not reinvent the wheel but enhance what we already offer.

The NCLM has an effective grass roots policy development process. Legislative goals are adopted after standing policy committees make recommendations to our Board of Directors. Our Transportation, Communications and Public Safety Committee, chaired by the Mayor of Winston–Salem, is a 21 member group with representatives from large and small cities and towns and is balanced in every way. We hope that you will use our League as a resource to help formulate proposals that will impact on municipal government. Our League staff is always eager to work with you throughout this special session. We must work in partnership to serve our citizens best and we appreciate and solicit your allowing us to be heard.

As Mayor of Greenville, may I leave a list of specific activities we have undertaken involving both enforcement and prevention measures—all worthwhile but not enough. The need for more police must be addressed concurrently with long–range prevention and intervention. I know mayors to follow me will share other specific suggestions. We look forward to your deliberations; we appreciate being made a part of the process; we are honored that we are on your team. Punishment and prevention strategies pursued in partnership can mean progress in combatting crime in our communities.

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**Part 2.**

Currently the Greenville Police Department utilizes numerous methods and programs to address the city's crime and drug related problems. These methods are also directed toward crime prevention and furthers our philosophy of community–oriented policing. Some of those programs are:

1. Special Investigations

The Special Investigations Unit is responsible for addressing street level drug activities through overt and covert enforcement efforts. These efforts include undercover campaigns, search warrants, surveillance, and the use of confidential informants.

2. Undercover Officer Exchange Program

The Greenville Police Department participates in the state–wide program in which police officers are exchanged with other law enforcement agencies to provide officers for undercover drug enforcement operations. This program is authorized by North Carolina General Statutes.

3. Pitt–Greenville Multi–Jurisdictional Drug Task Force

The Pitt–Greenville Multi–Jurisdictional Drug Task Force is composed of officers from the Greenville Police Department, the Pitt County Sheriff's Department, and the State Bureau of Investigation. The Task Force is headed up by the local District Attorney. The Task Force targets upper echelon drug distributors in the Pitt County/Greenville area.

4. Asset Forfeiture/Intelligence

The Asset Forfeiture Unit of the Greenville Police Department targets financial assets of drug dealers through aggressive use of state and federal asset forfeiture laws and the North Carolina Drug Tax Assessment Program. This unit is also developing an intelligence data base to be utilized by the entire department.

5. Tactical Patrol Unit

The department's Tactical Patrol Unit is an enhancement of our former "Community Assistance Team". The Tactical Patrol Unit is responsible for street crime suppression, drug–interdiction and for targeting problem areas of the city and developing problem solving methods to address those problems. The unit provides vehicular patrol as well as foot patrol in these areas as necessary. The unit is comprised of six patrol officers, three K–9 officers, five housing authority officers, and one school resource officer. Members of the Tactical Patrol Unit also utilize bicycle patrol to accomplish their mission.

6. Community/Police Interaction Program

The department's Community/Police Interaction Program is a partnership program between the Greenville Police Department and the Greenville Housing Authority. The program provides five police officers to staff a Neighborhood Resource Center in the local public housing communities as well as vehicular and foot patrol of those neighborhoods as necessary. The program is funded through a grant from the Department of Housing and Urban Development. This program was recently selected as one of the top ten innovative, effective programs in the world by the International Association of Chief's of Police. The award was presented at the 100th Annual Conference of the IACP in St. Louis, Missouri, during October, 1993.

7. The Public Affairs Unit

The Public Affairs Unit is responsible for liaison with the local news media as well as maintaining close contact with the community in general. The unit is responsible for preparing and disseminating news releases in keeping the press and the public informed of events that affect the lives of citizens in the community.

8. Crime Prevention Officer

The Crime Prevention Officer also maintains close contact with the citizens of the community and provides safety/security checks of residential, as well as business locations. Presentations are made to any group or organization as requested. The Crime Prevention Officer also coordinates the efforts and activities of the 66 Neighborhood Watch Programs in the City.

9. Crime Stoppers

Crime Stoppers is a national program aimed at paying rewards for information that helps police agencies solve crime. The local program is one of the most successful in the country and has been, and still is being used as a model across the country.

10. Drug Abuse Resistance Education Program (DARE)

The police department participates in the Drug Abuse Resistance Education Program and provides a Drug Abuse Resistance Education officer in the city's five public schools and in three private schools. The DARE Officer teaches 19 classes each week in these eight schools.

11. The Mayor's Anti–Drug Coalition

The Mayor's Anti–Drug Coalition is a community based program aimed at reducing drug use among the youth in the community and its work is a major contribution to the Drug Abuse Resistance Education Program. This program was recently recognized and received a Certificate of Appreciation for it's efforts in crime prevention from the North Carolina Department of Public Safety.

12. Foundation for the Future

Foundation for the Future is a program also aimed at providing at–risk youth in our community an alternative to the street. Foundation for the Future is a non–profit enrichment program sponsored by the Greenville Police Department to provide all children an opportunity to participate, regardless of race, sex, or socioeconomic status. This program accepts at–risk youth and provides them an alternative to playing in the streets during after–school and during summer vacation. It provides the children with positive role models to encourage a goal of achievement and success through hard work and education. It also provides a learning environment through assistance with homework, supplemental teaching, and creative activities. The program is funded through a $100,000 grant from the North Carolina Governor's Crime Commission.

13. Pro–Teen

Pro–Teen is a program instituted in grades 6–12 which is aimed at reaching out to teens for enrichment and to improve self–esteem through networking. Through this program students have access to community agencies to help with problems.

14. Automated Fingerprint Identification System (AFIS)

The Automated Fingerprint Identification System is a computerized identification system which compares fingerprints automatically. The Greenville Police Department applied for and received a grant from the Governor's Crime Commission to acquire the system. The equipment is located in the Identification Unit of the Greenville Police Department and supports law enforcement agencies in the 19 counties in northeastern North Carolina.

15. Field Placement Program

The Greenville Police Department participates in the Field Placement Program, or Intern Program, at East Carolina University, as well as other colleges and universities across the state. Each semester two or more college students perform their field placement requirements at the Greenville Police Department. This is a partnership program involving the various schools and the police department. It provides the college students an insight into what law enforcement is all about and is an excellent recruitment tool for the department.

16. Handicapps Enforcing Legal Parking (HELP)

The Handicapps Enforcing Legal Parking (HELP) project is a program that involves handicapped volunteers to enforce the city's handicapped parking ordinance. The initial program involves ten handicapped individuals who volunteered to survey the city for compliance of handicapped parking locations and to write parking tickets to vehicles found in violation of the ordinance.

17. SHADOW Program

The SHADOW Program is a partnership between the Greenville Police Department and area high schools. This program allows high school seniors the opportunity to spend several hours a week with an on–duty police officer. The student "shadows" the officer and is able to gain a better understanding of what police work is all about. The program helps the students as well as providing a recruitment tool for the police department.

18. Traffic Enforcement Unit

The Greenville Police Department has a Traffic Enforcement Unit which is charged with the responsibility of aggressively enforcing traffic laws. The objective of the program is to compel voluntary compliance with traffic laws and thereby reduce the number of traffic accidents in the city.

19. BLET Sponsorship

To become a police officer in the State of North Carolina, an individual must attend Basic Law Enforcement Training provided by the Community College System. Pitt Community College requires that each student be sponsored by a law enforcement agency. The Greenville Police Department sponsors students to this program on a limited basis. The department sponsors persons already employed by the department in some other capacity, if it is believed they will make a good police officer. The department also sponsors some of the field placement students, or college interns, who have spent time in the department, if it is believed they will also make good police officers.

20. Partnership with East Carolina SGA

The Greenville Police Department maintains a partnership with the Student Government Association of East Carolina University. Joint meetings are held throughout the year in an effort to obtain mutual goals, such as a safe and peaceful Halloween.

21. Partnership with D.A.R.T.

The Greenville Police Department maintains a partnership with the Downtown Association of Restaurants and Tavern Owners. Meetings are periodically held with representatives of D.A.R.T. in order to address mutual concerns and to meet goals, such as a safe and peaceful Halloween.

22. Town and Gown

The Greenville Police Department maintains a partnership with the administration of East Carolina University through it's participation in the Town and Gown concept. These meetings give the police department the opportunity to interact with personnel from the University and other city departments to address mutual concerns.

23. Seat Belt Grant March – September, 1993

The Greenville Police Department received a grant of $10,000 from the Governor's Highway Safety Program through the North Carolina Department of Crime Control and Public Safety to gain compliance with the seat belt law. During this program, 1,377 seat belt citations and 26 child restraint citations were issued.

24. Click It or Ticket Incentive Grant

The Greenville Police Department received a $5,000 grant from the Governor's Highway Safety Program to provide seat belt enforcement activity during October and November, 1993. During this time, 597 seat belt citations and 14 child restraint citations were issued.

25. Seat Belt Enforcement Grant November – March, 1994

The Greenville Police Department received another $10,000 grant from the Governor's Highway Safety Program in November, 1993 to continue it's seat belt enforcement program through March of 1994.

26. Police Hiring Supplement Program Grant Application

In September of 1993, the Greenville Police Department submitted a grant application to the Bureau of Justice Assistance asking for funds to add 15 new sworn police officers to the police department. The grant request was for $1,313,010, of which $984,757 would be federal funds with a match of $328,252 from the City of Greenville.

27. Bicycle Safety Grant

The Greenville Police Department is in the process of applying for a grant from the North Carolina Department of Transportation. The grant money would be utilized to purchase

bicycles and helmets and to provide structured bike safety classes to 4th and 5th grade students in local schools. The maximum amount available under the grant is $4,000.

28. School Resource Officer

The Greenville Police Department is in partnership with the Pitt County School System and provides a School Resource Officer in Rose High School. The School Resource Officer provides police services to the high school and interacts with the students to gain voluntary compliance with the rules and regulations.

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**[EXHIBIT E]**
**Submitted by The Honorable Henry L. Stevens III**
Senior Resident Superior Court Judge
Judicial District 4A

**REMARKS TO THE N.C. SENATE**
2/8/94
**JUDGE HENRY L. STEVENS III**

(Handwritten Note)
For Pres. *Pro–Tem* Senator Mark Basnight
Mark—Please look over this when you have time—Thanks
Henry

In the ensuing days, yours will not be an enviable task, but a most difficult, ardent, and exhausting undertaking to overhaul a criminal justice system that is floundering in a sea of despair and confusion. The Governor has provided a thirty–six point program, the Attorney General has multi proposals, and I am quite certain that your constituency of concerned North Carolinians have sought your council for improvement through constructive legislation. Some are worried sick, upset, and in some instance down right angry or alarmed. Your agenda is already overburdened and highly congested with issue of utmost importance. However, the situation relative to the selection of Superior Court Judges is also critical so I want to discuss it with you briefly.

Now, the Judges of the four Superior Court Divisions by separate caucus recently met in an attempt to choose an alternative plan for selection of Superior Court Judges. Their best efforts were in vain and no consensus was reached. Indeed, it will take time, if ever, before a consensus can ever be achieved as the subject matter is so very complex and individual judges are affected differently.

These very issues are now being litigated in the Federal Courts of this State, wherein a U.S. District Court Judge recently held that North Carolina's time honored method of state wide elections of Superior Court Judges is unconstitutional. This is the first legal skirmish, leaving battles to be waged and the war of issues finally being won or lost in the Supreme Court Therefore, until this matter is laid to rest by the Highest Court of our land, please do not lock yourselves in by approving any one plan before the legislature has first obtained public approval by vote of the people for a broad based amendment that authorizes the General Assembly a choice of plans from multiple options, sufficiently flexible to cover any provision incorporated in a proposed plan being considered by the legislature. Such alternative option for selecting superior court judges must relate to methods of election and/or retention by judicial district, division, in newly created geographical area and/or by Gubernatorial or legislative appointment or a combination of these possibilities. Such an undertaking will, in itself, be most difficult, tedious and time consuming as it must be appealing for acceptability by the electorate, in form and in substance, or it will not pass.

Therefore, I respectfully hope that you will not consider any change in the selection process of superior court judges during this special session. You were called here for other reasons and simply do not have the time to devote to this issue. Time is not of the essence, for any alternative plan will necessarily require a constitutional amendment before it can become law. That is to say, that any affirmative act of the legislature in this regard would be premature and unnecessary if the present ruling in the U.S. District Court were overturned upon appeal to a higher Court. Such an outcome would be consistent with previous ruling of the Court which heretofore held that these same issues were political in nature and inappropriate for court intervention. Therefore, if the matter has been one of the politics for the last hundred years or so, it will may be only political in spite of a possible change in mores.

Nevertheless, the amendment to the constitution should be in place at that time as a safety precaution in the event that the present holding of the U.S. District Court is finally affirmed.

Facet to say, that lasting remedies for betterment may not be determined in haste nor for political expediency by a "quick fix" or through "bandaid" treatment, promulgated at the expense of a frightened and disillusioned society. Please, whatever you do, do not permit any person, firm, or organization to goad or pressure you into doing something that you may later regret.

These remarks are made by me as a concerned Superior Court Trial Judge and not as President of the N.C. Conference of Superior Court Judges. I will reach the age of mandatory retirement at the end of this year and, therefore, have no personal axe to grind.

I thank you for the honor and privilege of appearing here today. May God bless and guide you everyone.

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**[EXHIBIT F]**
**Submitted by The Honorable Robert H. Hobgood**
**Senior Resident Superior Court Judge**
**Judicial District 9**

**RESOLUTION OF THE NORTH CAROLINA SUPERIOR COURT JUDGES FROM THE SECOND DIVISION**

WHEREAS, the worsening crime problem in North Carolina has necessitated increasing the number of Superior Court Judges to preside over felony cases; and

WHEREAS, Governor Hunt and the 1993 Session of the General Assembly of North Carolina responded to this crime crisis afflicting our citizens by enacting legislation creating seven new Resident Superior Court Judgeships, supposedly effective November, 1993; and

WHEREAS, the United States Department of Justice has failed to allow these necessary judgeships to be filled by refusing to "pre–clear" the new law; and

WHEREAS, the State Courts in North Carolina need the additional judges NOW in at least the number authorized by the 1993 Session of the General Assembly which were to be effective in November, 1993;

NOW, THEREFORE, BE IT RESOLVED by the Superior Court Judges of the Second Judicial Division of North Carolina, assembled together in Hillsborough, North Carolina, on January 29, 1994, that the General Assembly of North Carolina in the forthcoming Special Session called to address crime, create seven new special superior court judgeships

to take office immediately, and provide that these newly created special judgeships expire in four years or when the seven superior court judgeships created by the 1993 Session of the General Assembly which were to be effective November, 1993, for Judicial Districts 3B, 9A, 10A, 15A, 17B, 20B, and 25B are pre–cleared by the Voting Rights Section of the United States Department of Justice and filed by state law, whichever is earlier.

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**[EXHIBIT G]**
**Submitted by Rose Marie Lowry**
President
North Carolina Association of Educators

Good morning, My name is Rose Marie Lowry, the President of the North Carolina Association of Educators. Before I begin, I would like to thank the members of the Senate for allowing me the opportunity to appear before you on this very important matter.

NCAE represents more than 68,000 teachers, administrators, support personnel, and retired educators. But as I appear before you today to talk about solutions to crime, particularly in the classroom, I feel as though I also represent community leaders, social workers, health care professionals and law enforcement personnel. I say this because, just as you have taken this opportunity to listen to me, I have taken the opportunity to listen to them.

Earlier this year, NCAE invited more than 50 organizations to take part in our Summit on School Violence. We tried to invite representatives from every aspect of society. We had more than 100 participants, ranging from community groups like the 100 Black Men of Charlotte to members of the North Carolina Child Advocacy Group. Representatives from our police departments, court systems, social service agencies, and legislators, including Senators Beverly Perdue and Linda Gunter, and Governor Hunt participated as well.

After breaking into smaller, diverse groups, we asked each group to brainstorm ways to reduce school violence. By the end of the day, we were able to identify several priority items needed to reduce violence in schools. You have a list of those items at your desk.

You can readily see that there is a common theme throughout these recommendations **–DON'T THROW AWAY THE CHILDREN!!** Invest resources into preventive programs as well as intervention programs. A "lock 'em up and throw away the key" mentality may play well to current political polls, but it is not the responsible role we expect our leaders to play. NCAE does believe that you should get tough, but we also believe that you should get smart on crime. These recommendations, that range from community–based services to training for all educators on multi–cultural education, are smart solutions.

In NCAE's legislative program for 1994, we ask that you support us in our declaration to the public that the schools of North Carolina will be safe for their children to attend. We need you to recall Senate Bill 880, the bill that gave school boards more flexibility in expelling students if they present a clear threat to the safety of other students and employees. We would ask that you amend that bill to pair that flexibility with alternative schools in every county so that these students are placed in a situation that provides counseling, self–esteem training, and rigorous academic preparation. We do not believe that our youth should be put on the streets, but we desperately need an alternative from our classrooms. We hope that these alternatives will be in both residential and non–residential settings. These alternatives should be supported not only by the public schools, but by law enforcement, social services, the health department, and the juvenile court system. If this issue is not addressed, you will lose the one opportunity to say to parents– **NOW OUR SCHOOLS ARE SAFE.**

NCAE commends the Governor for his leadership on this issue, but there are other voices that need to be heard. While we support preventive measures to crime such as the Save Our Schools Middle School program and Family Resources Center, we do not support putting more money into building more prisons as a higher priority than public schools. Right now, North Carolina spends $32,000 per prisoner for every cell we build and $21,000 to house a prisoner a year. Our current expenditure per student is only $3000 per child per year. There is something desperately wrong with this picture. If we take the money slated for prisons and invest it in our children, we would significantly reduce crime in North Carolina. We must place a higher value on educating our children. It's crucial to reducing crime in this state.

NCAE stands ready to offer information and support as you deliberate on programs and funding. We know that you will legislate smart programs, and we hope that you will budget for these programs with an eye on the total needs of our state. This session may have been called to deal with crime, but we expect that you will always remember the needs of our schools and the teachers of our children. Thank you.

REPORT
Safe Schools Summit, January 26, 1994

Priority Items from Small Groups

1. Provide Community–based services to intervene with families of troubled children, including
   - parenting skills
   - psychological services
   - conflict resolution
2. Create school communities
   - involve parents
   - change charged teacher/parent relationships to collaboration
   - define the roles of teachers, parents, and other stakeholders
3. Establish the responsibility of students to create a safe environment
   - identify appropriate discipline
   - heighten self–esteem
   - target young males for mentoring throughout school years
4. Seek corporate sponsorship to assist with communication among stakeholders and to support activities to resolve both long and short range problems
5. Develop sense of responsibility for each of us to support each child in a positive manner
6. Model peer mediation and conflict resolution
   - begin at an early age
   - teacher serve as a model
   - be sensitive to diversity in a multi–cultural environment
   - lower the age for compulsory school attendance
7. Require training for all educators on multi–cultural education, and include responsibility for extension into the community
8. Create a continuing sequence of alternative programs for children
9. Interweave citizenship skill training into the curriculum and the school environment
10. Develop listening and communication skills to enhance ability to converse with rather than speak at ...
11. Provide technical support for communication within the school community
    - a telephone in every classroom
    - focus the community and stakeholders on the needs of the child
12. Initiate pre–school programs to prevent the development of problems

13. Create a community organization to
develop an action plan
publish plans
coordinate resources
provide continuity
14. Create a community–based student services team built around the role of parent/advocate
15. Hold stakeholders accountable for a community issue
16. Create autonomy within the school to build
an atmosphere of growth and learning
give the joy of teaching and learning back to the teacher and the pupil

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**[EXHIBIT H]**
**Submitted by The Honorable Margaret Sharpe**
District Court Judge
District 21

**Handwritten Notes**

(1) (82) (1982) arrests of juveniles for violent crimes age 16–18
murder, rape, robbery and assault – 1076
15 and under – 328
(92) (1992) 2,780 ages 16–18
936 15 and under

(2) Children coming into juvenile court at a younger & younger age – N/ (nothing) unusual to see 11–12 & 13 year olds committing rape & other serious sexual assaults. Guns so prevalent & leg. (legislation) was enacted to create a felony possession of guns on school property. Children are using guns to commit crimes.

'93 (1993) and c.(current) – (3) 15 year olds charged /c (with) murder – deaths resulted from use of handguns. Total of 6 children bound over to Sup Ct (Superior Court) for trial (2) capital, (4) non–capital. Currently holding (3) juveniles charged /c (with) capital offenses in our detention center for trial in Sup. Ct. (Superior Court.)

(3) Root causes – germinating 30 years ago – lack of education and job opportunity, exposure to violence in the home and through media and community—gluttonizing of poor and minorities in urban areas (30 years age, 23% in minorities – 8% in general population); problems feed upon and exacerbate one another. Today 61% of minority population and 23% of general population (in) poverty; incr. (increase) in illegitimate births /US (United States) results in M&C (mother and child) living in poverty;

Sen. (Senator) Monihan predicted the breakdown of the black family. 90% c/ (currently) coming through Juvenile Cts (courts) were abused and/or neglected. Our children are growing up with a sense of no hope for the future. * Family breakdown major cause. C/N/ (currently not)taught values of caring and concern for others, kindness, self–restraint, self–discipline, respect for authority.

N/ (not) uncommon for c/ (children) who have been adjudicated delinquent to respond to Q's (questions) – "No–"I don't know what the Golden Rule is."

We are now reaping the bitter harvest.

Our courts at all levels have been inundated with criminal cases. Juvenile Ct (court) is no exception. Urban areas particularly hard hit by incr. (increase) in crime in gen

(general) and in violent crime—Some can be attributed to drug trade & gangs—Some coupled with problems with which normal adolescents must deal and the prevalence of handguns re. (resulting) in assaults and shootings,—

I agree with our Governor that we must address these root causes, intervene in the lives of children at risk & stop this violence. We have already lost 2 generations of young men – another is on the way to being lost.

Realizing that some of these children may already be lost to us at age 14 I rec. (recognize) that the most violent & worst offenders if committed to training school should be held until age 18. (Class A–D felonies). At present they may be sent back to the community on conditional release — May commit other crimes while at home. One of our capital cases last yr (year) — young man sent to TS (training school) for burglary—sent home on conditional release intended to become a drug dealer, bought a gun for protection & wore it openly in waistband of trousers — in process of unloading it, shot his gf (girlfriend) and did n/ (not) call EMS — bled to death. Last week I ordered 2d committal of young man who had committed add't (additional) string of BE&L (breaking, entering and larceny) re (resulting) in $30,000 & loss of pp (personal property) to critical courtroom full of angry citizens—mother's bf (boyfriend)(age 24) had gotten him to commit these crimes with him. Sev. (Several) 17 year old T/S (training school) releases committed murder last yr. (year). Currently admins. (administrative) decision to hold A–D felony convictions at T–S (training school) until 18th B'day (birthday).

One class— one issue has n/ (never) been addressed. What to do with drug dealers— Young man who came to T/S (training school) /c (with) $95,000 in cash — another c/ (with) Mercedes Benz. No intention of reforming—intended to deal drugs upon release — stated so to counselors.

Young people should be taught job skills as well as receive appropriate education while there.

What can we do now?

I believe the leg. (legislature) should adopt a philosophy & approach to early intervention and prevention of violence and crime but with the realization that some children must be punished and society must be protected from the worst offenders.

To these ends I am advocating a number of proposals which I hope the Senate will study and adopt to address current problems existing in our juvenile cts (courts)

(1) A study & revision of the Juvenile Code to address the more serious & violent offenses being committed by our youth which would allow the courts to hold until age 18 those committing the most serious felonies (A–D), & those assaults involving serious injuries, and crimes committed with the use of weapons. At present there are 88 youth in training school of this category out of a population of 797 (slightly more than 10%).

(2) A change in the Juvenile Code allowing those children who are charged with capital crimes or those offenses above 20 year felony to be housed in a special facility or in single cells in the local jails while they are awaiting trial in Superior Ct. (Court). This would relieve a strain on our scarce resources at our detention centers which are designed to be short term holding facilities either pre or post trial. Personnel are not armed & and are not trained to deal with these children. Often they are held months before their trial date thereby ( ) them influence of the other cl (children).

(3) More training school beds. We have children waiting up to 6 weeks in our local detention center for an available space at training school. This requires hiring & training more staff.

(4) A transportation statute adequately funded, providing transportation officers to transport these children to the nearest regional facility w/o (without) overcrowding our local detention facilities. Once our beds are used up, we either have to release children from the center or go over the maximum number. We wind up playing numbers games instead of achieving our purposes.

(5) Increase the delinquent & undisciplined population covered by the Juvenile Code to cover 16–18 year old youths. NC (North Carolina) is only 1 of 3 states with a cutoff age of 16 for criminal justice purposes. For 16 & 17 yr (year) olds Juvenile Ct (Court) is a kinder system & we are losing some children b/c (because) they are tried as adults & treated as adults. Those 16–18 year olds committing the more serious felonies could be prosecuted as are the 15 & under youths who commit A–D felonies. Those committing less serious offenses would have the benefit of more intensive supervision and family services offered to them by way of juvenile court counselors rather than probation officers (many of whom are currently carrying a caseload of 100 persons).

(6) Review Community Based Alternative Funding and current programs. This funding has remained stagnant for a # (number) of years. Our community is hard pressed to provide training school alternatives for additional children even though we have some programs with a higher rate of success.

Additional Wilderness Camps are needed. These programs have a very high rate of success. However, since the program is voluntary, and last N/ (number of )years many of our children opt out of Wilderness Camp and elect to go to training school because they know they will be released in a matter of months.

More programs for undisciplined girls. Often they are treated more harshly even tho (though) they are not a threat to society because the ct (court) wants to protect them from themselves. (ie to prevent pregnancy or stds [sexually transmitted diseases]) or exploitation by adults. If they are put in group homes, often they run and the homes will not give them a 2d chance.

We need to beef up aftercare from Training Schools, Wilderness Camps. These children come back to the same environment where they are put on conditional release. If there is no change or improvement at home, then they get into trouble again.

Give us more trained court counselors. How much supervision & family assistance can you give 50 children (ave. (average) case load).

On the side of prevention: We need to support families and good parenting. Family preservation programs & programs teaching parenting skills are greatly needed. It is my feeling that the disintegration of the family is the major cause of this increase in juvenile crime. Often it is too late to turn a child around at 12–13 yrs (years). We need to get hold of them from day care through high school age. After school programs would provide a deterrent for those children who are idle & unsupervised. Technical training & apprenticeships for 13 & 14 year olds who are already turned off to academic programs — perhaps a longer school day & year round schools would help also. Community programs can be successful in deterring young people (an example program in jc (juvenile court) run by the Girls Club – 750 girls – of varying age – none have gotten pregnant – all have graduated either from school or their academic years—some have gone on to college. Volunteer mentors & paid staff have devised an after school program which works. This can be done in other communities. It will take the cooperation of churches, civic clubs, volunteers, schools & state and local government.

The $40,000 or one year cost of keeping one juvenile in training school could be better spent on an after school program addressing the needs of 150 children. The $25,000

cost per month for one juvenile in an inpatient drug facility could be better spent on family preservation and domestic violence prevention programs to prevent those children from turning to drugs to assuage their psychic pain.

I quote President Clinton – "As you demand tougher penalties for those who chose violence, let us also remember how we came to this sad point. In our toughest neighborhoods, on our meanest streets, in our poorest rural areas, we have seen a stunning & simultaneous breakdown of community, family & work — the heart & soul of civilized society."

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**[EXHIBIT I]**
**Submitted by Charles Dunn**

**REMARKS BY CHARLES DUNN**
**FOR THE JUSTICE FOR CHILDREN TASK FORCE**
**BEFORE THE SENATE COMMITTEE OF THE WHOLE**
**WEDNESDAY, FEBRUARY 8, 1994**

Home!
Sweet home!
Next to heaven, home is the best place for care and safety and love for most North Carolinians.

Unfortunately, for many children today, home has lost its meaning. It represents a place of needs unmet, of loneliness, of neglect and abuse, and of danger. Many young children are turned away from home to fend for themselves in a tough world.

Government has sought to help. It has enacted programs that attempt to shore up the breakdown in support at home. It has developed programs that seek to help young people when they become delinquent or criminal in their actions.

Sometimes young people are placed in programs that pay no heed to conditions within their homes. Sometimes they are removed from their homes, placed in training school, where good people try to help them.

Too often the help is too little too late. Frequently, it is ineffective. There is nothing done to change conditions in the home. Many times those conditions cause the young people to resume the behavior that got them in trouble in the first place.

If the home does not provide a degree of care, safety, and love, young people often cannot be expected to do those things that make them good citizens.

If there are problems in the home, those problems should be addressed. This is the objective of the Family Preservation program this General Assembly approved in 1991. Under this program, attention and help are given, not just to the youth, but to the entire family.

The Justice for Children Task Force believes the principle of the Family Preservation program should be state policy for all agencies serving children and families. Focusing State resources on strengthening a family in crisis would keep many young people out of the juvenile and adult justice systems.

This General Assembly already has funded Family Preservation programs in several areas to work with child neglect and abuse in families. They are producing significant results at a cost of about $3,000 per family. Children and homes are being salvaged.

The Justice for Children Task Force urges the Senate to extend this program statewide and to increase its scope to include delinquent young people and their families.

To further support the family, the Task Force urges the Senate to fund Family Resource Centers in every county. These centers could provide assistance and access to available services and could help families stay together. Services of a Family Resource Center should be available to every family in crisis.

In view of the importance of the home and family, the Task Force believes the great majority of young people coming into the juvenile justice system can be helped more effectively in community–based programs and at no risk to public safely, especially when the young person's family can be involved.

To this end, the Task Force urges the Senate to replace training schools as soon as possible with small, secure centers for violent youth and community–based programs for non–violent youth.

We believe the nearer to home young people in trouble can be treated, the greater the likelihood of their becoming responsible, productive citizens. This is especially true when the family can be involved in the program with the young person.

In summary, the Justice for Children Task Force urges the Senate to expand the Family Preservation program, to provide Family Resource Centers in every county, to create more community–based programs and small, secure centers to treat violent youth, and to phase out the training schools as quickly as possible.

By placing greater emphasis on the home and Family Preservation, the Justice for Children Task Force believes:

* There will be less crime:
* There will be greater safety for all citizens in their homes and communities;
* There will be more funds for education and other programs to improve the lives of all citizens;
* And, most important, there will be more young people, free of the damage of being adjudicated delinquent or criminal, ready to assume their duties as responsible citizens.

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**[EXHIBIT J]**
**Submitted by Ms. Catherine Smith**
**Executive Director**
**Victims Assistance Network (VAN)**

N.C. Victim Assistance Network **NETWORK**

505 Oberlin Rd., Suite 151, Raleigh, N C 27605 — 919/831–2857 **FACT SHEET**

**Victims' Constitutional Amendment**
**Seeking Equal Rights**

**Why is a Victim's Constitutional Amendment So Important?**
Many changes have come about in our criminal justice system over the past decade or so which benefit defendants. Cannot — and should not — equal conscientious and effective changes be made to benefit crime victims? We believe so! And this special session on crime is an ideal opportunity for our law makers to allow for REAL, meaningful, fundamental reform within our criminal justice system for crime victims!

Americans can be justly proud of the rights afforded for criminal defendants. There is no reason to diminish them. There is, however, nothing incompatible in simultaneous efforts to assist crime victims. Indeed, real and long–lasting reform within our system can be effectively organized only if, our state's constitution recognizes basic human rights for crime victims. And that takes the commitment of all those who advocate on behalf of equal justice to join together to create a strong, statewide collaborative effort!

**Why Does Something Need to be Done?**

A defendant's rights are found in the constitution. And because the constitution is the supreme law of the land, all other court rules and statutes must conform to the defendant's constitutional rights. Because our constitution is "silent" with regard to victim's rights — victims are being denied their basic human rights. If victims are to be treated equally and fairly, they must be recognized in North Carolina's constitution. Sixteen States have recognized this failure and have amendment their constitutions for victims rights.

**The Problem is a Plan as these Facts:**

- *Victims do not* have the right to be informed of, to be present or heard at criminal proceedings. Defendants do.
- *Victims have no* enforceable right to speak at a guilty plea or sentencing hearing. Defendants do.
- *Victims have no* right to be informed on any plea negotiations. Defendants do.
- *Victims have no* right to be given information about how the criminal justice system works. Defendants do.
- *Victims have no* right to be notified of a defendant's release from incarceration.

**Balancing the Scales**

Victims have no enforceable rights. This imbalance creates frustration and bitterness among those whose lives have been altered by an act of violence. Equal rights for victims requires equal laws and fair treatment by all those who exercise substantial discretion within the administration of justice!

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**[EXHIBIT K]**
**Submitted by Barry Pruitt**
**Founder of Citizens Against Violent Crime (CAVE)**

Barry Pruitt Citizens Against Violent Crime 1–800–404–8964
Mike Easleys – Initiatives "Protecting Citizens from Violent Crime"

page 3 Inmates per 100,000 population

| | Total | N.C. Shortage per 100,000 |
|---|---|---|
| NC | 353 | |

Avg. of South =10,570 504 – (353) = 151 X 70 (7 million people)

Avg. of National = 5,470 431 – (353) = 78 X 70 (7 million people)

To be average we need 5,470 – 10,570 Beds **TODAY**. Current construction as funded will yield 26,026 (DOC Figures) in 1996. Too Late.

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**[EXHIBIT L]**
**Submitted by Dr. Rufus Stark**
**Executive Director**
**Methodist Home for Children**

## CYNICISM IS THE ENEMY

### ADDRESSING THE PROBLEM OF JUVENILE CRIME IN NORTH CAROLINA

NORTH CAROLINA SENATE HEARING
FEBRUARY 9, 1994
RUFUS H STARK II, DD
PRESIDENT, METHODIST HOME FOR CHILDREN,
RALEIGH, NORTH CAROLINA

The thesis of this paper is as follows: In order to address the problems of juvenile crime, one must overcome cynicism about the juvenile's family. There is a pervasive cynicism in our society today toward families who are labeled as dysfunctional. The cynical attitude blocks effective response to the urgent issue of juvenile crime. It is the purpose of this paper to identify the causes of this cynicism and to build a family friendly environment.

### CYNICISM IS THE ENEMY

I have observed that everyone in American society claims to be "for the family". It is the watchword of the politician. The preacher seldom enters the pulpit without attesting to support of family life. The social worker and the clinician, the merchant and the corporate leader, the school teacher, and the policeman all attest to the value of the family.

There is great unanimity in support of the family until a family dysfunctions to the point of public notice: the family gets in debt, children are neglected, dad is arrested for public drunkenness or other substance abuse, child abuse is reported, or youths in the family act out in a delinquent behavior. When dysfunction attracts official attention then the public attitude changes. "We are for the family, but we are not for that family. That is a failed family." A cynical attitude toward the dysfunctional family becomes pervasive.

Public response to the troubled family becomes reactive. The assumption is that the dysfunctional family is a failed family. This assumption shapes public response.

1. If children are involved, they must be rescued from an evil situation. They must be moved from the bad environment to one where we "brave, clean and reverent" people can care for their need. The usual model of out of home care is the foster home or the orphanage. The message heard loud and clear by the rescued child is the implication that his/her people are of no value.

2. Second, public policy reacts to the dysfunctional family by seeking to identify the problem person. The assumption is that every failed family is caused by a sick or evil person who must be identified.

3. The identified problem person then must be isolated for treatment if sick or punishment if evil. Thus, individualized psychiatric care or a prison sentence is the treatment of choice. Today the call is to rely heavily on imprisonment.

4. This public policy results in the dissolution of the family. The pieces of the fractured family fall all across our society with disastrous results.

In short, the American public is deeply cynical about dysfunctional families. When a family has problems which cause the family to be singled out in time of stress, those of us in the human service field, public policy makers, church people, professional people and the rank and file citizen are cynical about the likelihood that such a family can recover.

A cynical attitude toward the family causes human service practitioners and other officials in the public and private sector to make assumptions that are not justified, suggesting to the suffering family that they are incapable of overcoming their difficulty. Such an attitude becomes a self fulfilling prophecy on the part of the family.

CAUSES OF CYNICISM

From whence comes this cynicism? What are the causes of this strong and devastating attitude?

1. The most significant factor in understanding this problem is seen in the impact of Freudian therapeutic theory which developed in the early part of twentieth century. The theories of Sigmund Freud hold that every individual has a complex psychic make up of the conscious and the unconscious mind. Sometimes the conscious and unconscious mind become estranged and the internal warfare that ensues can produce disturbed behavior that can be very disruptive.

Freud isolated the troubled person for what has come to be called psychoanalysis. This analysis enabled the person to deal with the internal struggle in a way that brought about understanding and integration of the disturbed inner being. The influence of Freud has been enormous in its positive effect. Great gains have been established in human understanding.

However, Freudian influence tends to individualize response to the problem person and to isolate that person for treatment or punishment. This results in heavy reliance on hospitalization and the incarceration as the preferred response. This individualized focus supports cynical attitudes about the health and strength of the family as a whole.

2. The Freudian therapeutic mind set has given rise to what I call the cult of the individualism which has been so influential for the 1960's 70's and 80's. Individualized well being has been the great goal during this period. "How can I get the best for me?" "Look out for yourself baby; if you don't who will? Nobody!" Our culture is dominated by appealing to one's self interest. "You are entitled to have what pleases you, whatever the costs", is the creed of individualism. This creed diminishes the quality of community.

RESULTS OF CYNICISM

The cultural climate has spawned deep cynicism toward the troubled family. Public policy response to the identified dysfunctional family is to discount the ability of the family to recover and to rescue, treat, or punish the individuals involved. Such response causes widespread dissolution of families in jeopardy. Children in this kind of experience are so destabilized that, unless there is intervention to the contrary, they will likely grow up to repeat the pattern.

The cycle of failure and despair in dysfunctional families who breed children to grow up to repeat the problem must be interrupted. The problem is a pervasive one, sapping the resources, creativity, and energy of American society. Unless remedies can be found, the disease is doomed to devour the nation. **That's the bad news.**

OVERCOMING CYNICISM

**The Good News** is that there are signs of a shift in attitude toward the family. In the last twenty years, there has emerged out of Freudian psychology a way of thinking called

Systems Theory. Pioneers in this field such as Murray Bowen and Salvador Manuchin, suggest that the family is more than a collection of individuals who happen to live together. The family is a system. If a child in a family is having problems, the subject child is regarded as a symptom of a family problem.

In this way, family systems theory demonstrates that many factors have to do with the way the system functions. Therapy is done with the entire family working together. As the families understand the influence and structures at play in their life together, they identify problem structures and visualize ways to change structures so that dysfunction may be overcome. It is an empowering therapeutic philosophy. The therapist is an enabler, helping the family lay hold of strength and to recover.

These emerging changes in the philosophy of how we view the family hold much promise for the future. It is possible now for human service providers and the public in general to view dysfunctioning families with a new sense of optimism that leads to overcoming cynicism:

> To overcome cynicism toward dysfunctional families by viewing every troubled person, not as an individual standing alone, but as the wearer of the symptom of a troubled family system. The person convicted of criminal activity must be held accountable but that person's problems are symptomatic of a troubled family.
>
> To overcome cynicism by believing and practicing that no dysfunctional family is a worthless family.
>
> To overcome cynicism by recognizing that every family possesses power to change. Therefore, children should never be placed out of home in detention or other less restrictive placements without continuing connection with the natural family. No child should be admitted for out of home placement of any kind without knowledge on the day of entry as to where the child will reside when he leaves the placement. This assures that treatment of the child will be coordinated with treatment of the child's family.
>
> To overcome cynicism by applying skills of encouragement and empowerment so that the troubled family on its own may find ways to recover. It is a known fact that every family has dysfunction. Things don't always run smoothly. But good news is that most families recover and survive. The family as an institution with all its problems is never the less the most resilient human institution.

This philosophical shift is having a positive effect on those of us in the field of social work. For the past fifty years during the period of cynicism toward troubled families, the field of social work has largely become that of regulator and enforcer. The conventional wisdom was that troubled families (and their kids) cannot be trusted, thus the social worker must regulate response and enforce the rules.

The responses of the social worker as regulator was to rescue the children from the clutches of an inadequate and, possibly, evil family.

The philosophical shift I speak of has brought about new hope that public policy can be developed that is "family friendly". A new birth of confidence has arisen in the human service field which offers hope and encouragement to troubled families. The message is that families have resources they know not of. As a a family understands its system, it is possible to develop strategies which bring positive change.

The effects of this new attitude were seen in the 1992 North Carolina Legislature in passage of The Family Preservation Act. This law mandates that in–home family–centered services be available in every county in the State by the end of 1995. This action is a significant vote of confidence in the resilience of the family. All that remains now is the funding to implement the program. This program is significant in its prevention of criminal activity.

The advent of 6 new multi–purpose juvenile home serving several judicial districts illustrates the effectiveness of new community–based programs which take seriously the need of the delinquent. This program provides immediate and constant involvement of family and school with each youth while being held in detention. Each of these units averages serving 84 youthful offenders per year. For the six now in operation that is a total of 504. If one of these units was available to each of the 38 judicial districts, that would mean space for 3192 youthful offenders. Funding for this kind of remedy offers more space for youthful offenders in a community–based setting that is family friendly.

There is an extensive network of private not–for–profit residential facilities which are already in place across this State. Many of the agencies operating these facilities would be interested in receiving adjudicated youthful offenders if funding can be allocated for this purpose and if a "family friendly" attitude can be maintained.

The time has come to take seriously the potential of community–based, family centered services which demonstrate remarkably effective measures for (1) preventing criminal activity and (2) in responding to a large proportion of offenders by less restrictive environment where the offender can be engaged with family and school while being in custody.

Our experience verifies the increasing amount of data indicating that public policy which overcomes cynicism toward dysfunctional families is the needed ingredient in addressing juvenile crime. Public policy must hold youths accountable for criminal behavior, but vengeance is not the answer. Funding for expansion and development of family preservation and other community–based family centered programs must be secured.

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**[EXHIBIT M]**
**Submitted by Dr. Leon White**
**North Carolina Ministers' Mobilization Committee**

**NORTH CAROLINA MINISTERS' MOBILIZATION COMMITTEE**
Reverend William Brock, President
Reverend Leon White, Legislative Mission Interpretator

February 9, 1994

North Carolina General Assembly
President *Pro Tempore*
Senator Marc Basnight

Senator Basnight and the N.C. Senate:

North Carolina Ministers Mobilization Committee is grateful for the opportunity to appear before this distinguished body.

The North Carolina Ministers Mobilization Committee is a recently organized group of ecumenical ministers and religious leaders throughout the state, formed with a primary interest of helping to build up our communities. As concerned clergy, we believe that the only enduring way to reduce crime is to rebuild devastated communities. For your review. attached is a four page position statement we have developed defining our general position and views on crime, entitled: Position Paper on Crime and the Current Crisis. This position paper was developed in conjunction with a coalition of other organizations with the same views on the conditions of crime and suggested solutions to the problem.

The Black/African–American community is profoundly affected by the criminal justice system as victims and defendants. While the crime bill proposed by Governor Hunt has some positive features, we strongly believe it is moving in the wrong direction. Because as a community we are so dramatically effected by crime and it's affects, it is our belief that we should be heard and should be involved in developing solutions. Poverty has no color but it has a disproportionate effect on the black population. We are especially troubled that the imprisoned tend to be overwhelmingly poor and black people who are without the necessary support systems that will keep them from the justice system.

Our organization strongly believe that monies or resources should be shifted to programs that will help to establish a safe and a non–threatening society, and which will offer hope to our communities for the present and future. Such programs should include vocational education, job training, life skills education, and effective assistance with job placement.

Crime and its attendant problems was not created by the criminal justice system and it will not be solved by focusing mainly on the criminal justice system.

More and more laws, locking up more and more people at younger and younger ages, for longer and longer periods of time is not the solution.

We support reasonable action to insure the safety of citizens from violent crime. In order to accomplish this, we urge the General Assembly to move up the implementation date of the structured sentencing law passed in 1993. Instead of becoming effective in 1995, we believe this law should become effective in 1994.

Our main concern is to seek real and enduring solutions to the crime problem. Comprehensive community building is basic to the reduction of crime. We therefore urge that comprehensive community building conferences be held in cities and counties throughout the state. These conferences should emphasize building momentum to restore moral fabric to our communities, provide jobs, and evolve plans for economic development, develop effective educational programs including after school programs, and the revamping of our social services intervention system to discourage dependence and encourage initiative and creativity.

Respectfully Submitted: North Carolina Minister's Mobilization Committee

Reverend William Brock, President
Reverend Leon White, Legislative Mission Interpretator

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**NORTH CAROLINA MINISTERS' MOBILIZATION COMMITTEE**
Position Paper on Crime and the Current Crisis
February 8, 1994

Our Perspective

*There is a moral and social crisis in the state of North Carolina. It exists on every level.* It involves black and white, rich and poor, and the upper, middle and lower classes. Depending on the race, class or strata, this crisis manifests itself in different ways. Among the lower socio–economic strata, it is reflected in growing joblessness, homelessness, and declining hope.

From the top, the crisis is vividly reflected in the pervasive insensitivity directed toward the poor and the dejected. It is sustained through entrenched patterns of inequitable distribution of the vast resources of the state. Over twenty–five years of flawed social policies and priorities in the post–Martin Luther King, Jr. era have resulted in thousands of broken spirits and devastated communities across our state. *We are convinced that North Carolina can do better.*

Our society has become more and more separated into have and have–nots. As the accumulated effects of racism grows, it has become fashionable to deny that racism is even a factor in crime or in how the criminal justice system is operated. Flowing from such denial, a growing section of our population, particularly young African–American males, are devalued, alienated and essentially discarded.

*Our spiritual life as individuals and as a state is evidenced in our social conditions and arrangements of daily existence.* That so many people are angry, bitter, violent, or languishing in cages of poverty and hopelessness is a sign of moral and spiritual decline. *We, the clergy represented by this statement, are repentant for our silence and even for our complicity in the current state of affairs.*

If North Carolina persists in the current direction of more and more laws and more and more prisons with only token attention to underlying causes, crime will not be reduced. Rather, we fear that after several years of such policies, the citizens of our state will be even more frustrated when crime continues to increase. The implications are frightening, for with growing and widespread frustration, we might once again find ourselves discussing yet another new wave of prison building and the routine trying of 10 and 11 year–olds in court as adults. We need effective solutions.

*It is, therefore, with this perspective and out of our understanding of the human condition, that we are compelled by love to break the silence by compassionately sharing our convictions and offering an alternative direction.*

Devalued People and Growing Crime

There has evolved in many communities lifestyles of drug abuse, sexual promiscuity and increasing crime. *Such lifestyles are largely the result of devalued personalities, which in turn not only devalue the lives of others but also their own lives. Broken families, fractured communities, and criminal activity are often the result of this state of being.* The unacceptable level of violent crime in our state and our nation must be considered in this context.

Recently, Governor James Hunt has focused on the issue of crime. We affirm the urgent priority for the citizens of North Carolina, along with the Governor, to seek real solutions to this real and pressing issue. Governor Hunt has built a tremendous momentum for his plan, which sees a solution growing primarily from greater and greater punishment. The Governor's focus on violent crime has created a window of opportunity for all of us to address not only violent crime but also the root causes which underlie it.

In response to his plan and out of our own awareness, concerned clergy from across North Carolina met to discuss ways to involve the broader faith community in both understanding the problems and working together to solve them. *We are convinced that the framework for achieving enduring solutions is the comprehensive rebuilding of communities.* In fact, it is our view that any plan which does not hold as primary the comprehensive rebuilding of devastated communities will not succeed in reducing crime.

Without question penal codes are necessary to protect law–abiding citizens from those who are dangerous, no matter how they became dangerous. North Carolina currently has in place one of the toughest penal codes in the nation. More and more of the same, however appealing it might sound, is not the solution.

Towards Enduring Solutions

There are alternatives available to us. We need a new discussion about a new direction. It is our strong and sincere conviction that cities and counties throughout the state need to convene well planned, broadly inclusive, solution–oriented, comprehensive community–building conferences. These community–building conferences ought to seek to bring together all of the creative forces in the community in the spirit of a great new awakening. These conferences could revolve around at least four interrelated areas:

1. Developing momentum to restore the social and moral fabric of our communities. Churches should have a major role to play in this area.

2. Develop real plans for jobs, community economic development, and income support. It is not likely that crime will be reduced in the midst of the current level of unemployment and under–employment in some sections of our community.

3. Develop plans for comprehensive education on all levels, including after–school programs, which use the full range of groups and individuals willing to help, as well as better use of the community colleges.

4. Revamp the service delivery system so that the culture of dependency is discouraged and creative new possibilities are encouraged.

The above is a mere sketch of a comprehensive community building conferences. An agenda will have to be further defined. It does, however, provide an idea of the directions we believe our state should take and which we are committed to take.

The conferences should be designed to create a momentum towards real understanding, real unity and real possibilities for a new future in North Carolina. These conferences could not only draw thousands and thousands of people into an energizing process of rebuilding but also discover the best use of financial resources. *We urge Governor Hunt to use the resources and moral authority of his office to encourage and promote comprehensive community–building conferences.*

The Pending Crime Bill

Last year after a two year study, the North Carolina legislature passed a law creating a new system of structured sentencing. According to the North Carolina Academy of Trial Lawyers, "the law, which becomes effective January 1, 1995 creates a rational set of priorities that links sentencing policy to prison resources. ... The new sentencing structure reserves prison for violent and career criminals. Other offenders will be punished in more cost–effective intermediate sanctions programs." *We join with the Academy in urging the legislators to move up the effective date of this law, which has already been passed. We believe this law would be adequate to keep violent criminals off the streets, as we seek to eradicate the entrenched root causes of criminality.*

We support the Governor's $18 million dollar package directed towards crime prevention., We strongly suggest that these funds not be merely funneled through traditional channels, such as the school system, county governments, etc. We believe that there are community–based, grassroots efforts which would be in a far better position to effectively deal with prevention programs.

Our Vision

Our Book of Faith asserts that "where there is no vision, the people perish." Is our vision for North Carolina more and more people being locked up in more and more prisons? Is our vision for greater and greater division and strife between the races and between the haves and the have–nots? If we do not wish to move in such a direction, we are required to change our thinking and our priorities.

We believe that communities throughout North Carolina can become a network of warm, caring places, where families can feel secure. Our communities should be creative, energizing places with good jobs and adequate education for all. We envision communities where racism is overcome, not merely denied and where everyone is nurtured and affirmed. Dr. Martin Luther King, Jr. referred to such places as the "beloved community."

We invite and urge Governor Hunt, members of the General Assembly, and all the citizens of North Carolina to join us in a bold new direction. *Together we can turn away from our current direction of frustration and failure and turn toward a compelling vision of a new future. Let us begin by rebuilding devastated communities and healing broken spirits.*

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**[EXHIBIT N]**
**Submitted by Tony Mulvihill**
**Director of the Alcohol/Drug Council of North Carolina**

Mr. Mulvihill distributed to the membership of the Senate a document containing graphs and charts speaking to people on probation and parole. This document is on file in the Legislative Library with the minutes of the Senate sitting as a Committee of the Whole.

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**[EXHIBIT O]**
**Submitted by John Kernodle**
**Executive Director**
**Community Justice Resource Center at Guilford College**
**and**
**Chairman of the Guilford County Board of Education**

(Logo)
GUILFORD COLLEGE

THE COMMUNITY JUSTICE RESOURCE CENTER
122 N. Elm Street, Suite 800 – Post Office Box 3074
Greensboro, North Carolina 27402

Telephone: 910–273–5901 FAX: 910–273–9717

John R. Kernodle, Jr.
Executive Director
Development

Candice C. Joyce
Co–Executive Director
Administration

PRESENTATION
TO THE NORTH CAROLINA STATE SENATE
February 9, 1994
John R. Kernodle, Jr.

Mr. President, members of the Senate, ladies and gentlemen:

Thank you for the opportunity to address the Senate at the start of this Special Session of the General Assembly. You have been called together to focus on the issues of crime and public safety. In the course of the first 48 hours of this Special Session you will have heard from a wide array of concerned citizens and criminal justice professionals.

The task you face in sorting through the concerns you have heard and then developing and funding responses which have the capability of having a positive impact on reducing crime and increasing public safety is, quite simply, an awesome one. It is important to remember that no **one** strategy, program, or act of legislation is likely, by itself, to gain the results you desire. As Governor Hunt and many of you have acknowledged, a

**comprehensivestrategy**beginningwithpreventionandearlyintervention;movingthrough the arrest, prosecution and adjudication of criminal offenders; and including the types of sanctions imposed will be necessary.

In matters related to crime and corrections, more so than in any other field of public policy, it is tempting to engage in high flown emotional rhetoric, chest pounding, and table thumping in ways which may feel good and sound impressive but which bear little relationship to hard data, careful analysis of available information, and thoughtful consideration of long term costs and benefits. I am grateful that you are beginning a deliberative process. The genius of the American experience of government has been that many minds working on the same problem are better able to fashion a lasting solution than the best intentioned, dogmatic views of a single individual.

I am speaking to you this afternoon specifically about the importance of including resources for rehabilitation and treatment in any overall, comprehensive, crime fighting strategy you may adopt. The Sentencing and Policy Advisory Commission was right in asserting that this state needs to enhance and expand the continuum of criminal sanctions available within the criminal justice system. When structured sentencing becomes a reality in our state we will continue to place the overwhelming majority of criminal offenders in community–based sanctions rather than in prison. The Commission has recommended and the General Assembly has agreed in votes you took during the 1993 Session to place a priority on using expensive and limited prison beds for offenders who have committed violent crimes or who have repeatedly been convicted of violations of the law.

I concur with the view of others who are addressing you that many of those who will be locked up in prison, as many as 80 to 85%, are addicted to drugs and alcohol or have serious substance abuse problems. We know from experience in other states that investing in alcohol and drug treatment for inmates works. It makes sense. It is a reasonable and responsible investment of public funds.

The same can be said for offenders who receive community–based sentences. 80 to 85% of those criminals who will be sentenced to community–based sanctions have serious substance abuse problems. If they are to change their behavior, cease to engage in criminal conduct, and become productive, tax paying citizens, their problems with alcohol and drugs must be addressed. It is not simply a matter of treatment. It is a matter of ensuring future public safety.

**Do community–based drug and alcohol treatment programs work? A careful analysis of data confirms that they do!** Recent objective studies of the Drug Treatment Courts in place across the country since 1990 document that successful intervention reduces recidivism and improves dramatically the likelihood that offenders can change their lives. Effective treatment programs cost dollars, more dollars than required for traditional probation, but far fewer **dollars** than required for incarceration.

There is an impressive body of information becoming available about the programs that work. The characteristics are clear, simple, and straightforward. Under court supervision, offenders participate in a three stage process: (1) detox, (2) drug and alcohol treatment, and (3) the acquisition of living skills (basic education, job training, parenting skills) which equip them to return to society as law abiding, productive citizens.

**I urge you to give strong consideration to legislation establishing Drug Treatment Courts in North Carolina and investing in other community–based drug and alcohol treatment strategies.**

The time to act is **now.** To those who insist we need more prison beds because offenders are refusing to participate in community programs and opting to take short **sentenced** time behind bars instead, the Drug Treatment Court experiences across the country provide a creative alternative. For those convicted of non–violent offensives many jurisdictions, with

the cooperation and support of the prosecutor's office, have implemented programs that provide for the dropping of charges or the expungement of records for those offenders who successfully complete treatment and become productive citizens. The offender is not simply looking at an option between a lengthy period of time in community treatment and a much shorter period of time locked up in prison. Instead, the offender knows that if he or she does, in fact, overcome chemical dependence and become a productive citizen, then the possibility of truly beginning a new life exists and the permanent scar caused by a criminal record can be erased.

In closing let me leave you with this observation. Legislators like yourselves have begun demanding to know whether programs work, whether promises made by politicians can be kept. Millions of dollars have been invested in evaluation and research. A thoughtful review of that research includes the following conclusions: There is no statistically valid correlation between increasing the number of prison beds in a state and reducing that state's crime rate. Research indicates that boot camps do not reduce recidivism or future criminal conduct by offenders. Research tells us that treatment programs provided for inmates in jails and prisons are not likely to have lasting impact unless they are followed with post–release programs in the community. We might want the research to tell us something different but that is what it is telling us. In your roles as policy makers, I urge you to look at the data.

Research also tells us something else. **Community–based alcohol and drug treatment programs for non–violent offenders work.** As recently as December, 1993, the release by the U.S. Department of Justice of a study of the Dade County, Florida, Drug Treatment Court presented compelling evidence that alcohol and drug treatment has a direct impact on reducing future criminal conduct.

Ladies and gentlemen, the challenges you face in the days immediately ahead are significant. I caution you to avoid the pitfalls of making extravagant promises for results which it may not be possible to achieve simply by getting tougher and locking folks up for longer and longer periods of time. We have heard these promises from elected officials since the late 1960s. In this state alone we have invested hundreds of millions of dollars in prison construction over the last decade. We need "truth in promises" along with "truth in sentences." If you are truly to be able to produce results for the citizens of this state, I urge you to give significant emphasis in both legislation and in funding to the provision of community–based resources that have been demonstrated to make a difference.

Thank you for this opportunity to address the Senate. I will be happy to provide additional information to the appropriate committees and to any member of this body who might request it. I am convinced that together the elected leaders and citizens of this state can fashion a comprehensive strategy that addresses crime and improves the possibility for safety across North Carolina. It is in local communities across the state where crime is committed, and it must be in local communities where crime is prevented and where former offenders become productive citizens.

John R. Kernodle, Jr., is the founder and Executive Director of the Community Justice Resource Center of Guilford College. An attorney, he served as consultant to the General Assembly's Special Committee on Prisons and has provided technical assistance and consulting services in the criminal justice field to agencies in over 26 North Carolina counties.

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**[EXHIBIT P]**

The following was submitted with a request that it be included as remarks for the Senate. Ms. Green did not appear before nor deliver the remarks orally.

INTRODUCTION
AMERICA HELD CAPTIVE FOR 30 YEARS
A Genocidal Effect

"We, the people of the State North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution."

"Standing in the gap for communities"
Anna B. Green

The means in which the government controls and guides her people's future is through the educational systems. Education systems are vehicles in which instructions or information is transferred to people to shape their behavior. Example day cares, Schools, Department of Education Health and Welfare and other agencies EMT.

The decisions of the Supreme Court to separate religious principles (prayer, the teaching of the ten commandments, and the reading of the Bible Scriptures), Engel v. Vitale and Abington v. Schempp from our educational systems in 1962–1963, (Thirty years ago); its genocidal effect on America. These genocidal effects include placing all of America's youth at–risk of all social and cultural ills with Black Americans on top of the list."

The first time in over 300 years of America's history we have a group 1–30 years of age, sometimes this group is referred to as the "Hip–Hop generation," or the "values–less generation." The Hip–Hop and values–less generation is the first generation in this country raised up without Biblical principles in the educational systems. This Hip–Hop or values–less generation was brought up in Affective and/or Non Directive education thorough America's educational system.

We are now watching the effect of the removal of Biblical principles from our educational systems. "America has been held captive for (thirty) 30 years against the will and intentions of the Founding Fathers when they established Her. The results of this is the genocide of America. We can not continue on this route for another ten years for it will represent

an entire generation (40 years). We must take every avenue that is available to us as Americans to protect our culture and to insure the survival, safety and well being of our youth.

"Genocide is the systematic annihilation of a political, racial or cultural group. The removal of religious principles has had a genocidal effect on Americans and has placed our youth at–risk of AIDS, HIV, STD's, ILLITERACY, PREGNANCIES, DISRESPECT FOR AUTHORITIES, EVERY OTHER SOCIAL AND CULTURE ILLS."

THE GENOCIDE OF THE AMERICAN CULTURE

Culture is the totality of socially transmitted behavior patters through arts, beliefs, institutions and all other products of human work through characteristic of a community or population.

(American Heritage Dictionary)

"We have staked the whole future of American civilization, not upon the power of government far from it. We have staked the future of all of our political institutions upon the capacity of each and all of us to govern our selves, to control ourselves, to sustain ourselves according to the ten commandments of God"

James Madison, Founding Father,
President of the U.S.A.
1809–1817

President John Adams, Whose signature appears on the Bill of Rights, states in his address to the military on October 11, 1798, "We have no government armed with power capable of contending with human passions unbridled by moral and religious people. ... Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other." The Army can not fight hard enough nor can the Air Force fly high enough to control the human passions unbridled by moral and religious principles. The Navy is neutralized. The Marines have been paralyzed by the ongoing issues of homosexuality. The constitution of America was made to govern moral and religiously sounded people. It is inadequate to govern by any other way.

President John Adams,
whose signature appears on the Bill of Rights
Founding Father

Benjamin Rush, a signer of the Declaration of Independence, upon contemplating the political institutions of the United States points out, "I lament that we waste so much time and money in punishing crimes and take so little pains to prevent them."

Benjamin Rush, a signer of the Declaration of Independence,
Founding Father

"Every thinking man, when he thinks, realizes that the teachings of the Bible are so interwoven and entwined with our whole civil and social life that it would be literally – I do not mean figuratively, but literally–impossible for us to figure what that loss would be if these teachings were removed. We would loss almost all the standards by which we now judge both public and private morals."

Theodore Roosevelt, Past President of U.S.A.

"If American democracy is to remain the greatest hope of humanity, it must continue abundantly in the faith of the Bible.

Calvin Coolidge, President of the United States of America

On June 25, 1962 thirty (30) years ago, a school prayer stating "Almighty God we acknowledge our dependence upon Thee and we beg thou blessing upon us, our parents, our teachers and our country," was struck down by the Supreme Court as unconstitutional.

This decision, Engel vs. Vitale, brought America down on her knees by the powers that be. Wake up America, your culture is under attack. This prayer is similar to the North Carolina State Constitution Preamble a shared belief. The North Carolina State preamble read as follows: "We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution. Yet, the powers that be calls this acknowledgment unconstitutional. How can the foundation of a country be unconstitutional?

We salute a flag that stands for "One Nation Under God." All of the states constitutional preambles are built on the acknowledgment that there is a God. Our currency says "In God We Trust." Our Declaration of Independence states "We hold these truths to be self–evident, that all men are created equal, that they are endowed by their CREATOR with certain unalienable Rights." These rights did come from man but a Creator who created man. Why is the foundation of America's culture attacked? Think what could happen if the North Carolina Constitution Preamble was read aloud by a student during class. I wonder why North Carolina kept silent these 30 years? Has North Carolina forgotten the foundation that her state's constitution stands on? I have read in history books that our Founding Fathers believed if their Biblical principles were attacked, it was like attacking America. The Founding Fathers knew that biblical principles were the bases of America's Union and without them she would not be able to stand.

Since 1963, our children have been prohibited from listening to biblical principles. Nor are our children allowed to see these principles in writing in our educational systems. Our American culture and foundation are being denied by our educational systems. In 1963, Abington vs. Schempp, the court stated that the reading the New Testament without explanations could be and has been psychologically harmful to children. In 1965, Stein vs. Oshinsky, the courts stated that the students freedom of speech was guaranteed only if the topic is not directed to religion. In 1965, Reed vs. Van Hoven, the court stated that it was unconstitutional for a student to pray out loud over his lunch. In 1967, Despain vs. Dekalb, the courts declared a nursery rhyme to be unconstitutional because some one might think that it was a prayer, even thou there was no reference to God in it. These are our babies moral fibers being ripped out of their beginning experiences in our educational systems. In 1970, the State Board of Education vs. Board of Education of Netcong, the court stated that is was unconstitutional for the prayers of the Chaplain of the U.S. House or Senate to be heard by students. This is a great part of America's culture. The Chaplain in the U.S. House and Senate plays an important roll in the foundation of this country. In 1976, Ohio vs., Whisner, the courts stated that it was unconstitutional for the Board of Education to use or refer to the word "God" in any official writing. The list goes on and on to this present hour, while America is held captive by the powers that be. We are watching the genocide of our culture.

Look at the genocide of America's cultural foundation! The word "God" or references to him are throughout every document that our founding fathers authored. When we start removing the word "God" and references to Him out, we will not have any founding documents. This is the plan of the powers that be. They will make laws so that we don't have to return to those documents. Even better, the powers that be will remove these documents because the documents will reveal that this country was founded on biblical principles. It is the very thing that held this country together. These principles are the very moral fibers of our nation. Let God shed light from above. Can't we see that the removing of religious principles from our educational systems in 1963 has resulted in a phenomenal growth in "at risk" factors. The powers that be are trying to stamp out the acknowledgment of God on which this country was founded on by attacking our youth. This attack of removing religious principles from our educational systems has caused confusion and violence in our communities; what madness.

The top two models that have been used in family life education are Non directive and directive sex education. Non Directive sex education's foundation has two parts:[34] The sexual research of Alfred Kinsey and the person–centered clinical therapeutic techniques of Carl Roger and Abraham Maslow. The directive model is abstinence, a religious principle. This came into existence in 1981 because of the AIDS epidemic.

Through America's education system we can see the genocide of our traditional families and the purposes of our sexuality reduced to animal behavior without control. Americans could have never had a sex revolution if they had not removed religious principles from the educational systems. If the program developers would stay within the guides of the American culture we America would not be facing a genocide. Culture is the shared beliefs and history of a group. Our founding Fathers believed that we were created by a Creator. We did not evolve. All programs should be developed to enhance the foundation of this America.

Preventionist will agree that one major risk factor after no religiosity is the inability to read. Samuel L. Blumenfeld pamphlet entitled "The victims of Dick and Jane," for 60 years the "look–say" method of teaching reading has dominated our schools. Why does it remain firmly entrenched even though it doesn't work? In Samuel L. Blumenfeld newsletters it states that we need to provide knowledge for parents and educators who want to save the children of America from the destructive forces that endanger the,. Our children in the public schools are at a greater risk in 4 areas: academically, spiritually, morally, and physically. A well–informed public will be able to reduce these risks. Whole–Language and look–say produces illiteracy and our educational systems knows this but they continue on supporting these methods." This places our youth at an even greater risk of all social and cultural ills when they cannot read. It seems as though the powers that be is deliberately setting up time bombs to destroy our country.

Our educational system was set up to help guide and unify behavior based on the Bible and It's instruction. This was taught to all who lived in America. The early colonial period provided America's youth with curriculum that was engulf with biblical Scriptures Our primary reason to learn how to read was to study the word of the Lord. This was the foundation of the literacy movement in America. In Massachusetts the government required parents to provide the education of their children so that they could "read and understand the principles of religion and the capital laws of the country." No, it was not perfect but, they had a marked and a prize they were reaching for. This was the reason for an established educational systems. The courts reflected this purpose. Today the court systems have removed the very foundation of education. They have forgotten the purpose of education.

## REVIEW OF EVENTS
## STOP THE GENOCIDE OF AMERICA

The Powers that be has pretended to look for the answer while they continue their on slaughter on America's communities through ineffective social programs and education that increases at–risk behaviors.

[39]**1962** prayer in schools unconstitutional
Engel vs. Vitale decision June 25, 1962, over 300 years of this country history youth was separated from Biblical principles in our educational systems.

[39]**1963**[2] Abington vs. Schempp, the court stated that the reading the New Testament without explanations could be and has been psychologically harmful to children. In 1963 also Talcott[17] Parsons, number one sociological theorist regarded as a conservative in sociological circles issues a summons, the auspices of the American Academy of Arts and Sciences, states that the "Negro" is threatening America's international good will.

**1964**[39] "Stein vs. Oshinsky, the courts stated that students' freedom of speech was guaranteed only if the topic is not religious. [17]Civil Rights Act officially end's segregation in public accommodations, includes sex as well as race and creed in it language.[28] Mary S Calderone, President of Plan Parenthood, applied steady pressure on the American Medical Association (Amd) to adopt a policy on population control and was accepted by the Amd House of delegates at its 1964 convention and it states "an intelligent recognition of the problems that relate to human reproduction, including the need for population control, is more than a matter of responsible parenthood it is a matter of responsible medical practice.

**1965**[39] In 1965 Reed vs. Van Hoven, the court stated that it was unconstitutional for a student to pray out loud over his lunch[17] U. S. government initiated its family planning in 1965 Department of Health, Education and Welfare. HEW Indicators, Family Planning, "Young people, through federally funded sex education, must perceive their "responsibilities" In the area of birth control." The U.S. Supreme Court and five states begin to endorsed dissemination and use of contraceptive material. The Federal Administration joined the movement "under pressure for Congress and President Johnson." The first federal agency to put this policy into operation in the United State was the Office of Economic Opportunity (OEO). This was part of the War on Poverty program. Leo made grants to community agencies to finance "voluntary" family planning projects. Some City health departments provided family planning services.
In 1965 Daedalus published the reports of Parsons conference, including the embryo of the Moynihan Reports, as well as Eric Erikson's.

**1966**[17] Betty Frida formed a National Organization for Women (NOW) in Washington, D.C. The most notable proposals ERA and the "rights of women to control their reproductive lives." "In 1969, Betty Freidan warns that "blacks had the 60's women will have the 70's. In 1967, All of the States had the Commission of the Status of Women Congress begins to rod the "reluctant" administrative agencies and to amends the Economic Opportunity Act designated for family planning there were special emphasis on the War on Poverty program Houghton–Mufflin and Beacon Press both issue reprints of the Daedalus special issued on Parsons, with an Introduction of Parson setting forth his conspiracy of the 1963–65 and strategy of mobilization. From this year forward, the federal government has sought to increase the availability of family planning to low income largely through project grant programs such as HEW's Nation Center for Family Planning Service and by the Office of Economic Opportunity."

**1967**[39] Despain vs. Dekalb, the court held a nursery rhyme was unconstitutional because some one might think it was a prayer even thou there was no reference to God in it. These are our babies having moral fibers ripped out of their beginning experiences in our educational systems.

**1969**,[17] Richard Nixion was elected (without the public acknowledgment), called for legislation on population control, which Congress enacted in 1970. Yette did not. Yette reported that the conference in the White House on Food and Nutrition, December 2–4 1969 "was worse than a farce... the administration's own programs of imposing birth control on the poor Black." Recommendations of mandatory birth control to girl over the age of 13 was made without parental consent.

**1970**[39] In 1970 State Board of Education vs. Board of Education of Netcong, the court stated that is was unconstitutional for the prayers of the Chaplain of the U.S. House or Senate to be heard by students. This is part of America's culture and history. The Chaplain in the U.S. House and Senate plays an important roll in the foundation of this country.[29] Frederick S. Jaffe, 1970 Family planning Perspective "Proposed measures to Reduce U.S., fertility, among them "Fertility control agents in water supply," measures to "encourage increased homosexuality" a substantial marriage tax," "discouragement of private home ownership," "permits for children," "compulsory abortion." 40 The rising rates of teen pregnancy Congress felt that by more easily accessible contraceptive information, drugs,

decides will curbed teen pregnancies. Resulting in the passage of Public Health Services Act Title X. Federal expenditure exceeded 2 billion dollars, (Richard, Dinah, Has Sex Education Failed our Teenagers? A research Report p. 4), Planned Parenthood Federation of America, The Sex Information and Education Council of the U.S. (SIECUS), the American Association of Sex Educators, Counselors and Therapists (AASECT) and Education Training Research Associates (ETR) and U.S. Public Health Service's Centers for Disease Control, to provide school districts, churches, community organizations, state departments of education and other educational organization with teacher training, curriculum resources and research. Primarily through the research arm of Planned Parenthood, the Allen Guttmacher Institutes"

**1976**[39] In 1976 Ohio vs. Whisner, the courts stated that it was unconstitutional for the Board of Education to use or refer to the word "God" in any official writing." culture.

**1980**[39] it unconstitutional for student to see the Ten Commandments

**1981** Congress passed the Adolescent Family Life Act which offered grants for (abstinence), pre–marital sexual involvement is not a positive normal life style for adolescents because of the AIDS. Grant assistance to these programs only 1.5 million dollars under Title XX, compared to 2 billion for Title X, (birth control information, drugs, devices)

**1986**[39] invocation or benedictions at graduation are unconstitutional. Grahm vs. Central, 1985; Kay vs. Douglas, 1986.

A.[4] Violent Crime – From 1953 to 1963 the rate of violent crime went from 19% to 25% but in the next 10 years violent crime went from a low of 25% of total offenses in 1963 to over 90% of total offenses in 1973. This is an increase of 65% in violent crimes in 10 years.[5] Because the population of 10–17–year–olds is going to increase the violent upsurge may actually accelerate in the 1990.[6] The homicide rate for male age 15–24 302.21, in the District of Columbia.[7] The number of girls arrested for assault and other violent crimes jumped 57% for 1990 to 1991 in the District of Columbia. A strong hold of violence has setup in the last 30 year in Washington ranking # 1 in the nation. [8] The Juvenile Violent crime arrest rates (per 100,000) 1960, total NA; 1965, total 137.0%; 1990 total 430.6% and steadily increasing in to 1994.

B. Sexually Transmitted Diseases (15–19 year old) — From 1956 to 1963 the rate of sexually transmitted diseases decreased by .05%. The rate went from a low of less than 1% in 1963 to 10% in 1973.

C. Premarital Sex (18 year old) — From 1956 to 1963 the rate of premarital sex decreased less than 1%. From 1963 to 1973 the rate increased from a level of 23% to 44%. Record shows 9 70% are sexually active by age 18. Premarital activities among 15–year old have increased 500%. Half of the male started between 11 and 13. This trend has continued into the 90s'.

...(as submitted) student had quicker and wider uses of AODT, Alcohol and other substances and Tobacco and they repeated the study and the out come was the same. Nata Preis, researcher and coordinator of project "SMART, a alcohol prevention program. Study and researcher found that more of the **SMART** group involved in the consuming of alcohol in greater qualities and early than the control group." Nata Preis stated "It was as if we have driven them to drink."

D.A.R.E. has not been around for many years. D.A.R.E. is built on[36] the model AFFECTIVE education, to modify behavior. The goal is to teach the process of making choices through value clarification. Choices are based on information given with no values. This AFFECTIVE model has destroyed many lives. Youth are driven to at risk behaviors. Biblical principles instructs us to train up a child in the way he should go. It is plain who should teach our children, the elders. Affective education model just gives information

and there is no such thing as a wrong choice. Affective education has cost the tax payer billions and billions of tax dollars. I can site numerous research on top of research proving the genocidal effect of the removal of biblical principles from our educational systems.

The programs that been designed to help the poor have help destroy their values and communities.[32] Lundberg and Plotnick studies found that premarital births of young white women are higher in states that provide more liberal access to contraceptives, abortion, and AFDC benefits. A study that was conducted in Ohio and Georgia showed that births as well as pregnancies declined among Medicaid–eligible women after the states stopped the payment for abortions (Trussell, et al, 1980).[33] A fifteen state study showed that the states with the highest expenditures on family planning had the largest increases in abortions and birth out of wedlock among teenagers (Roylance, 1981). The result is a genocidal effect on the poor that have spilled into mainstream America. It's no wonder that African American females leads the world in teenage pregnancies. Studies have proved that governmental programs increase pregnancies. Check this out, planned parenthood confirms that governmental programs increases pregnancies. What a joke! These governmental programs are targeted to the poor minority communities. The reason is that minorities have a history of producing large families.

[23]According to the Newsweeks article "Endangered Family", "For many African–Americans, marriage and childbearing do not go together. After a decade of denial and blames, a new candor is emerging as blacks struggle to save their families." Even in this issue, Newsweeks states that there is a possibility of a negative connotation concerning blacks being irresponsible in their sexual behavior because of religious reasons. The poll 24 stated that 48% of young blacks said that they won't use birth control or have abortions for personal or religious reasons. The question places religious principles in a negative connotation. Those 48% probably are not involved in premarital sexual behavior so there is no need to use birth control or have an abortion. The tone of this Poll can project a stereotype that blacks are careless with their sexual behavior and they won't use birth control because it is against their religion or beliefs. This stereotype has cost the black community to be mis–educated with programs that strip them of their religious values to offer them other alternatives by making religious principles seem unintelligent. Look at the reports and memorandums of the previous chapter. This has caused an on slaughter of more governmental social programs to "educate." This results in black teens leading the world in teenage pregnancies.

Newsweeks issue, "A World without Fathers, August 1993," "Steep Rise in Out–of–Wedlock Births" points out that since the sexual revolution, the rate has shot up for both races. But the numbers are much higher for black women than white women. The Black community had a 30% increase in children born Out–Of Wedlock.

According to[25] Jawanza Kunjufu in Hip–Hop vs. MAAT. It is important to know that 65% of students who have completed the sex education program became sexually active. 42% of those who have never had comprehensive sex education had not had sexual intercourse.

... wrote that "Never before has one generation of American teenagers been less healthy, less cared for or less prepared for life than their parents were at the same Age. The deterioration is with their behavior and not with physical illness." As our second President, John Adams said "We have no government armed with power capable of contending with human passions unbridled by moral and religious people. ...Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

"If American democracy is to remain the
greatest hope of humanity, it must continue abundantly in
the faith of the Bible.
Calvin Coolidge, President of the United States of America

The powers that be are skilled at deviating our attention. They have Americans focusing on the symptoms and not on the root of the problem. The powers that be hold open forums

to talk about the symptoms(AIDs, Violence, Teen Pregnancies and etc.) Even special sessions of house to deal with the crime, violence and other social problems. For almost 400 years of this country's history we have had Biblical and moral principles in the educational systems of our children. Now for past 30 years our children have experienced the genocide.

What a joke! Billions and billions of dollars are spent every year on the symptoms, social and cultural ills, in workshops, trainings and seminars. This withholds important information that can be used to free America of these social problems. The programs in our educational systems are making American's sick because they have no morals. This is the reason we are facing the genocide. They have removed biblical principles that were originally interwoven into our educational systems to help guide and control our society into a healthy manageable style.

These federal funded social programs come into the community with stipulation already in them. These stipulations includes the changing of the community's traditional values. Instead of enhancing traditional values these social programs undermine them and offer other so called alternatives. This results in policy decisions that do not reflect the concerns or culture of the service population.

[35]According to a conference which was held at the University of California, San Diego, March 17–20 the main question which was addressed was "Can D.A.R.E., a drug prevention, or any other Law enforcement involvement program solve the AOD, Alchol and other substance abuse problems? According to Susan Ennett, Kathleen Holt and Christopher Ringwalt, "An Outcome Evaluation of Project DARE", a school–based drug use prevention program, in a sample of fifty sixth graders in North Carolina. "They said DARE demonstrated "no effect on adolescents' use of alcohol, cigarettes, or inhalants, or on their future intentions to use these substances" How is this? The program is billed as "prevention"? How can it be prevention program when there is no evidence that it prevents? Well, it does seem to prevent academics. "Every hour invested in the DARE program is one less hour available for math, history, language, and geography." The evaluation of the D.A.R.E. program states that there's an outcome in the knowledge of drugs, where to get them, the cost and the effects on the body. Attitudes toward the police and the prevention of drugs use has failed. William Hansen points out that the program does not produce a reduction in substance abuse. The strength of D.A.R.E. is the advertisement. It receives fifty million dollars annually. For one D.A.R.E. officer it costs one hundred thousand dollars a year in Los Angles, California. "In light of the failure to prevent alcohol and substance abuse, it should be clear that the strength does not and cannot compensate for the weakness of D.A.R.E., that is related to prevention effectiveness."

Drug Education: Result Recommendation 1976 Standford University research program, "DECIDE", of concluded research and study it reveals that affective education before and after

Then the question is asked, "Why is there so much violence?" If there is No God there will be No History, No Culture or No Country plain and simple. The powers that be are trying to remove our culture and replace it with another through a genocide. As a results of this we have an age group 1–30, called the "Hip–Hop" or Vaules–less" generations. The "Hip–Hop" or "Vaules–less" generations was raised up with the Affective and/or Non–directive education. Never before in America's history have any of Americans' children educated without Biblical principles untile 30 years ago. Look at the results:

A. [4]Violent Crime–From 1953 to 1963 the rate of violent crime went from 19% to 25% but in the next 10 years violent crime went from a low of 25% of total offenses in 1963 to over 90% of total offenses in 1973. This is an increase of 65% in violent crimes in 10 years. [5]Because the population of 10–17–years–old is going to increase the violent upsurge may actually accelerate in the 1990. [6]Homicide for male age 15–24 rate 302.21,

in the District of Columbia. [7]The number of girls arrested for assault and other violent crimes jumped 57% for 1990 to 1991 in the District of Colombia. A strong hold of violence has setup in the last 30 year in Washington ranking #1 in the nation. [8]The Juvenile Violent crime arrest rates (per 100,000) 1960, total NA%; 1965, total 137.0%; 1990, total 430.6% and steadily increasing in to 1994.

B. Sexually Transmitted Diseases (15–19 year old)–From 1956 to 1963 the rate of sexually transmitted diseases decreased by .05%. The rate went from a low of less than 1% in 1963' to 10% in 1973.

C. Premarital Sex (18 year old)–From 1956 to 1963 the rate of premarital sex decreased less than 1%. From 1963 to 1973 the rate increased from a level of 23% to 44%. Record shows [9] 70% are sexually active by age 18. Premarital activities among 15–year old have increased 500%. Half of the male started between 11 and 13. This trend has continued into the 90s'

D. Total Pregnancies (live births plus reported abortions, unwed 15–19 year old)– From 1955 to 1963 total pregnancies increased 3%. From 1963 to 1973 total pregnancies increased 350% [10]Pregnancies have increased over 400% United State is the Western leader in teenage pregnancy with 1.25 million a year. Africans American females lead the world in teen pregnancy follow Arabs, and White Americans. In 1967, 85% of Americans condemned premarital sex as morally wrong, compared to 37% in 1979. The sex revolution is a major contributor to the increase. We could have never had a sex revolution if religious principles were not removed for our educational systems. No–marital births jumped from 5% in 1960 (22% of black birth) to 22% in 1985 (60% of black births).

E. Scholastic Aptitude Test (SAT) – From 1953 to 1963, SAT scores increased from an average of 970 to a high of 980. From 1963 to 1973, SAT scores dropped from an average of 980 to 932. This is a drop of 52 points in 10 years. This drop is often attributed to minorities taking the SAT. This is not possible because statistics on minorities' scores in SAT testing did not exist before 1973. The level of SAT scores dropped from 932 in 1973 to 840 in 1983. This is a decrease of 92 points in 10 years.

[11]"Since 1960, population has increased 41%; the Gross Domestic Product has nearly tripled; and total social spending by all levels of government (measured in constant 1990 dollars) has risen from $143.73 billion to 787.0 billion– more than a five–fold increase. Inflation–adjusted spending on welfare has increase 630 percent and inflation–adjusted spending on education has increased 225%.

Between '63 and the 90' there has been a 560 percent increase in violent crime; More than a 400 percent increase in illegitimate birth; a quadrupling in divorce rates; a tripling of the percentage of children live in single–parent homes; more than a 200 percent increase in the teenage suicide rate; and a drop of almost 82 points in S.A.T. score.

In the summer of 1990 a special commission of prominent political medical education, and business leader issued a report entitled Code Blue, on the health of America's teenagers. They...

March 2, 1994 (See page 89)

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## ORAL REPORTS FROM CONFERENCE COMMITTEES

**S.B. 150** (Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act, and **S.B. 150** (House Committee Substitute), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, which proposes to change the title, upon concurrence.

**H.B. 8** (Committee Substitute No. 2), a bill to prohibit the possession of firearms and weapons of mass death and destruction by felons, and **H.B. 8** (Senate Committee Substitute), a bill to prohibit the possession of firearms and weapons of mass death and destruction by felons.

**H.B. 39** (Committee Substitute No. 2), a bill to adjust the appropriations made for the 1993–94 fiscal year and the 1994–95 fiscal year to create the Budget Modification Act of 1994, to increase the punishment under structured sentencing for first degree rape and first degree sexual offense, including life without parole for the aggravated range of prior record levels V and VI, to repeal the provisions in the Structured Sentencing Act that restricted the definition of habitual felon and lowered the punishment for an habitual felon from Class C to Class D, to prohibit the possession of firearms and weapons of mass death and destruction by felons, to provide that an enhanced sentence shall be imposed on a person convicted of a Class A through E felony if the person used, displayed, or threatened to use or display a firearm during the commission of the felony, and to provide that a firearm used in the commission of a felony shall be confiscated and disposed of as ordered by the court unless it can be established that the firearm is owned by someone other than the convicted defendant, to lower the age of juveniles who may be transferred to superior court from 14 to 13 years of age and to authorize the Juvenile Code Committee to study mandatory transfer of juveniles to superior court for serious felony offenses, to provide that upon a third conviction of certain violent felonies an offender is a violent habitual felon and shall be sentenced to life imprisonment without parole, unless the offender is sentenced to death for a capital offense, and **H.B. 39** (Senate Committee Substitute), a bill to establish crime prevention and enhanced punishment initiatives, to amend the law to enhance crime control, and to appropriate funds for current operations and capital improvements to carry out the purposes of this act to increase the punishment for certain offenses, which proposes to change the title, upon concurrence.

March 17, 1994 (See page 119)—S.B. 150

By Senator Daniel, Chairman:

"Mr. President, Members of the Senate, I rise for those of you that have not had the luxury to be participating in the negotiating process, to give you some indication as to where we are. Conferees met last afternoon and last evening, we have been—we negotiated up until about sometime around 4:00 A.M. this morning, and in the index of differences that we have between the House and Senate version of **S.B. 150**, the differences amounting to about 55 or so major and minor differences, we've negotiated down to about approximately five or six. Now I don't mean to lead you to believe that they are just small matters that will just be settled in the twink of an eye, twinkle of an eye, because they have—we've already spent considerable time on them. And we will continue to endeavor to work through these. My understanding also, at the same time, is that—and one of the reasons for engaging in the negotiation—is at the same time on parallel track the punishment bills that we have been so interested in, I understand they have been, being worked through, worked out, and we plan on, hopefully, we'll see some action on those maybe during some of these brief periods that we will be recessed.

"The staff is keeping right up with us. They've already typed a working document so as we are working compromises or working matters out to include all of the provision in or none of the provision—just leave it out, or some modification—they are able to focus in on that so that when we do reach full accord, we will have it ready in a short period of time to put before you. The reason I say this is I don't want, as we work toward reaching accord, things get frantic because this sort of brings the close on in, and right now we don't have anything to put before you, but hopefully we'll be able to give enough lead time and, again, I'm speaking on a positive note because I think there was positive progress made last evening and early this morning. And so on this wonderful Saint Paddy's Day, let's hope we have the 'luck of the Irish,' to get this thing behind us."

March 18, 1994 (See page 124)—S.B. 150

By Senator Daniel, Chairman:

"Mr. President, I reckon it would be a point of personal privilege to be able to give the membership a report with the conference committee. Members of the Senate, your conference committee, as you've probably been following in the papers, and of course, with our discussions on the floor. We've been meeting throughout the week. Let me take you back momentarily to last week when I came to you and explained the offer that we would be offering to the House of Representatives to see if we could make a good good–faith offer to settle this matter and go home, that related to the entire crime package, the budget and the remaining punishment bills. You will remember that after taking the action that we took on Monday night, the negotiations, I would say, I'd like to say, resumed, because sometimes when you make offers, it takes a little time for that to soak in, and to have some response.

"The negotiations resumed on Tuesday, and I'm happy to say that by Wednesday evening and on into early Thursday morning (approximately 4:00 A.M.), most of the 44, excuse me, 54 items of difference had been tentatively agreed upon, only leaving a little over a handful of items still in contention. These items began to be focused upon, and again, Members of the Senate, I want to add to that that this has all been done in the spirit of understanding from the House that at the same time as in the Senate's earlier offer, that the remaining punishment bills would, in good faith, would be acted upon to get in a condition that was agreeable, certainly to the Governor and the Senate and the House, so that when there was some accord about to be reached, or reached to the point that we're in a position to file a conference report, that those bills would be ready to go; and that's been the understanding, and I assure you that the House says that's what'll happen, and that we expect that to happen.

"Now, let me address where we have gotten to. Yesterday, in a series of offers and counteroffers, we spent our time mainly around 6 or 7 items. Some of these items are addressed in both bills, although differently, and those items are structured sentencing, as to when to begin and how much money to spend; the family resource centers, Save Our Students Program, the Community–based Alternatives, and School–based Programs. Now these are contained in both of the Senate and House budget proposals. Some of them have different language in each and some have different monies. And they're still on the table, even though there has been tentative agreement in both the offers and counteroffers that structured sentencing would begin in the middle of October, again which is a midpoint between the House and the Senate proposals.

"The two items that are not contained in both budgets. One is the Basic Education Program, a proposed expenditure by the House of originally $25 million, a little over $25 million. Now you will remember the original offer of the Senate to settle this matter, was that we meet the House halfway in the structured sentencing, utilizing the savings of those monies to go to fund those items that were in the House budget that were not in the Senate budget. Those items in the Senate budget which were not in the House, saving except

some of the controversial items that I earlier mentioned, and of course, the Basic Education Program, that we would leave that to take up in the summer. Throughout yesterday's negotiation, the Basic Education Program was discussed and at one point, even it was brought in by the Senate that if we're going to discuss this now that we need to discuss another education matter and that was low wealth and small schools. Currently, the last offer on that, Members of the Senate, is that if that is going to be discussed, it should be discussed this summer. But, to take a half step, or to meet midway, that funds to fund the Basic Education Program and low wealth and small schools could be placed in a reserve to be available this summer for discussion and passage.

"There's one other item that has been highly controversial and that is the Mecklenburg—Charlotte–Mecklenburg drug pilot, which also has rural Eastern North Carolina drug pilot with it. Now, at no time have there been any agreements reached to either of these controversial items, the Basic Education Program, or the rural Eastern/Mecklenburg County drug pilot. Now let me tell you, Members of the Senate, that one of the main reasons that brings us down here is the use and abuse of drugs in North Carolina. One of—the root problem to crime, 80 percent or better of crimes committed are traced back to the use of drugs. And throughout the legislation that has been filed in this Session throughout, the legislation that's contained in both budget packages, a lot of which we have tentatively agreed upon, deals with drugs. We've dealt with it in the prison system, by expanding the DART Program, Senator Plyler, building new beds, proposing to build new beds and new facilities, and we've dealt with it in expanding drug and alcohol abuse beds in existing prisons. We've also dealt with it in trying to provide some aftercare for those parolees that come out of prison, whether they be adult or juveniles. And we've also dealt with it in recommended task force to pull all the major agencies together to sit down to make sure that what we are doing, or what we're proposing to do, does really deal with the problem so that we won't see the repeat level as to what it has been. We've also even had proposals, which is in the budget agree fund items, that we experiment with what's known as a drug court, a new concept, a new idea that was brought forth by the Attorney General to deal with the handling of drug cases differently, to even utilizing all courts, the trial courts, to expedite these cases and to handle these cases in such a way that rather than sentencing just someone to incarceration, that we bring the treatment into the forefront in dealing with that.

"I say to you, Members of the Senate, one of the reasons the Senate has taken, this has been such a controversial issue, is because the Senate has seen this as yet an integral part of this Body's war on drugs, and certainly, anti–crime measures in that we have an existing pilot that is in place and it only lacks a few months of being funded through 1995, and that is in one of our urban centers, Charlotte–Mecklenburg, and the Eastern North Carolina piece is yet another way to pilot, to get the necessary information available for in the future to see if this idea would work. And so, for that reason, these have been some of the, Mr. President, some of the main sticking points.

"But I want to say to you, Members of the Senate, your conference negotiators have remained at the negotiating table. At no time have we walked away from that, we have stayed the course, and we will continue to stay the course. We've not said that there is not one single item on here that's off the table for negotiations. We have, even to the point that there are still plenty of areas that can be explored, I say to you, and I think I'm backed up by your other conference conferees, that to keep the negotiations going that even in the—something as controversial, that has become as controversial, and I can't see why that needs to be so controversial, but even something as controversial as the drug pilot, the drug court pilots, there's been even discussion, sunsets of at least putting it in place, but insuring that the ceiling doesn't allow it to go but so long, and I hope that those discussions will continue.

"I don't view this as a hung jury, Members of the Senate. I view this as all other budget negotiations. I haven't been here all that long, but the ones that have a lot grayer hair than I've got tell me that it just seems that as you go through the negotiations on the budget,

there's a certain amount of time it takes, first to get you to the table, and then once you're at the table and you work through a certain amount of things, that the final things just take a little bit longer.

"I would say, at this point, what we have done, Mr. President, we started out with a bill that spent $129 million of recurring revenues. Tentatively, we have now gotten up—if we were to work it out right now with the last offer of the Senate, and since we haven't heard from the House on the last offer that we made sometime yesterday evening, I don't know whether they accepted or rejected that offer formally, since I haven't heard from them—but we have, if that was to be accepted, we would have be spending almost $40 million more in recurring monies, $168.5 million. And we would be placing in reserve another $43.8 million that would be for consideration this summer for the funding of the Basic Education Program and also for low wealth and small schools. That does not, the capital expenditures, *if* that currently tentatively agreed to, are approximately $26.4 million in this year and $36.6 million in the '94–95 year.

"So I want to say to you, Members of the Senate, I think that considerable progress has been made even though, as in most budget negotiations, you hit points of disagreement and certainly we have hit points of disagreement. I hope, Mr. President, that we will be hearing formally from the House conferees as to their position on the last offer that was made by the Senate. And with that being said, Mr. President, I would respectfully suggest that we take a recess until 1:30, and that would give ample opportunity for conferees to make another, to at least respond to what we have done, the House conferees. And at that time we would be able to come back in and I can again report to the Senate as to what we need to do from this point forward."

March 18, 1994 (See page 125)—S.B. 150

By Senator Daniel, Chairman:

"Thank you, Mr. President. Members of the Senate, we are currently waiting on the most recent counterproposal, a reply to that. I think it'll be forthcoming shortly. I don't want to delay the Body, but if we're about to run out of business, I'd ask for at least a short recess or the Senate be at ease while we wait for the counterproposal, or wait for the reply."

March 18, 1994 (See page 125)—S.B. 150

By Senator Daniel, Chairman:

"...budget bill, including the punishment bills out of Appropriations and that will be coming to the House. Mr. President, that being the case, I can envision that we may be put to having to do a lot more than what we had intended in just responding to an offer, or a counteroffer, or seeing if they accepted our offer to the settlement of **S.B. 150**, and in saying that, Mr. President, I don't know that we are going to be in a position to do that kind of work this evening, and I just thought I would bring that to your attention and at the appropriate time, me or the Deputy Pro Tem could make a motion."

March 24, 1994 (See page 135)—H.B. 8

By Senator Ballance, Chairman:

"Mr. President and Members of the Senate. As you know, we have a conference committee on **H.B. 8**, that is the bill to amend the felony firearms. And we made an announcement last evening that we would meet. We've met again this morning, and the conferees on

the Senate side have agreed and we will send this back to the House. As we are sending it, it will maintain the option of a long gun and then five years you can petition the court for a long gun outside of the house, no hand gun."

March 24, 1994 (See page 135)—S.B. 150; H..B. 39

By Senator Daniel, Chairman:

"Members of the Senate, the conferees on **S.B. 150** and **H.B. 39** are continuing to meet and to consider proposals from the House and prepare counterproposals. Most recently we received a counterproposal from the House last evening at approximately, sometime before 7:00 P.M.. We worked, deliberated over that. After considering that we prepared—began work on a counterproposal, had that prepared and reviewed this morning. And sometime shortly after 9:30, well, actually, shortly after 9:00, we were able to have completed for delivery to the House the most recent Senate proposal. Mr. President, in making that point, at some point today, when this Body meets off and on, we will be prepared to go into further detail as to what these proposals are composed of. But I would now ask for a point of parliamentary inquiry."

[Senator Basnight – "You have the floor."]

"In order for us to continue our business as conferees, Mr. President, we would need a recess and I would suggest that a recess until approximately 2:00 may would be in order. It would certainly be helpful to us..."

March 24, 1994 (See page 135)—S.B. 150; H..B. 39

By Senator Daniel, Chairman:

"Mr. President, Members of the Senate, I thought I'd take this time to give a report on the progress of the conferee committee on **S.B. 150** and also **H.B. 39**. You will notice I passed around a one–page document [see handout] that has pointed out some clarification as to the options that are contained in the current proposal that's before the House conferees. The reason I passed that out, Members of the Senate, is even though these are conferee documents, I'm sure some of them are starting to float around now, and there was some question by the House conferees as to some clarification and when that question arose, I felt it was important not only to meet their request, but also maybe make a clarification here in case there was not full understanding in the Senate. If you'll bear with me for a few moments, I'll try to walk you through each of the three options and what's contained in each. You will note on the top of the page, it says the five punishment bills—they're the bills that we have been dealing with, that came over in **House 39**. We sent back our version exclusive of, I think, **H.B. 8**, the same package of bills that we sent back over this morning, and I'm sure the House, well, anyway, they'll be there for them when they come at 4:00. They are the five punishment bills that we're speaking of. And you will note in each of the options it is requesting enactment of those punishment bills. And, as I say, that offer is, that is contained in each of the three options that are offered.

"The structured sentencing is at 10/1/94, and that is a constant throughout the three options. Now, in option 1 and option 2, you will note that there are some controversy items, controverted items. And they are, you're given the short abbreviated form, S.O.S., or Family Resource Center, CBA (school–based alternatives) in each of option 1 and 2, and you will note under that in option 1 is a reserve, $44.8 million. Now, in these, the reserve is made up of the items listed at the bottom of the page. That's BEP with local flexibility, low–wealth small school system funding, Mecklenburg/Eastern drug courts, training school positions. The reason that is set in a reserve, at no time have we reached any sort of accord on any of these items in controversy. And the items that are in a reserve, they have continued to be offered to the House to be funded, considered and funded in the upcoming "short

session," and that the monies to fund these be placed in a reserve to do that when we come back to Raleigh in six weeks, eight weeks, well, actually, five or six weeks. In option 2, you will note that we do not include the reserve. Of course, in option 3, you will note that none of the controverted items that are listed either in the four above the reserve and the items in the reserve are funded.

"Now, the constant funding, you will note, funding of items not in controversy, items that are identical in House and Senate versions of **House 39**, the number there is $159.2 million. Now that takes in basically not only recurring and non–recurring funding, but also capital funding, as well. You will note on the right lower corner of the page that the tentative agreements that have been worked through and reached up to this time, although not finally agreed to, the monetary value of those agreements is about $4.9 million.

"Now, I hope that doesn't confuse you. I put it out merely for clarification, informational purposes, because they are, that is the offer that your Senate conferees have continued to give to the House since yesterday, yesterday morning. There's another document, Members of the Senate, that I'm hoping that will be in here as I speak that shows the entire amount of monies that have been suggested to be appropriated in some shape, fashion, or form, and the Governor's plan, the Senate bill, the House bill, and these three options, again to give you further clarification between the recurring appropriations, the nonrecurring appropriations, and the capital funding. While I'm waiting on that I will explain. You remember that the House budget—excuse me, the Governor's budget had $91 million in for operating, $27.4 million in for capital improvements, for a total of $118.4 million expenditure. I know this seems like mixing apples and oranges when you mix capital monies, capital improvement monies with operating monies, but since that seem to be the way that it gets reported, I thought I would give you this information in this sort of a format.

"Under **S.B. 150**, the Senate in '93–'94, had proposed expending $26.4 million in capital expenditures. Basically, the same capital expenditures that the Governor had included in his capital improvements and also basically the same capital improvements that are included in the House version. We also included in '94–'95 for capital expenditures $36.6 million, and that is consistent throughout all the versions, except for the Governor's. And that was for $21 million for the Eastern Processing Center which we left last summer saying that we would fund when we came back in the "short session," the Marion Closed Custody Unit at $5 million, and the Consolidation of the Prisons that was recommended under GPAC, and that's $10 million for the $36.6 million.

Throughout the **S.B. 150**, the House Committee Substitute for **S.B. 150**, and each of the three options that the Senate has offered, that figure stays constant. The difference comes in the operating monies. In **S.B. 150**, for '94–'95 the Senate proposed to spend $129 million; for the House Committee Substitute, the proposal was $199 million; the Senate option 1, which you're looking at in the lefthand–most column, calls for spending $202 million for operating, and that's over and above the $36.6 million per capita. The option no. 2 calls for a total expenditure there of approximately $159 million, and plus the, excuse me—yes $159 million. And then in option no. 3, it calls for a total expenditure in operating monies of $122.6 million.

Well, I don't see that the copy machine is working, but as soon as we get that in, Mr. President, that is the explanation for that. The reason for giving you this information is for clarification so that is if you're asked about what the Senate offer, is contained in the Senate offer, it'll be—you have the same knowledge that your conferees that are working on your behalf have in presenting this over to the House. With that, Mr. President, as soon as that comes in, I'll be happy to get one on everybody's desk."

March 24, 1994 (See page 135; 464)

**SUMMARY OF SENATE OPTIONS OFFERED TO HOUSE FOR COMPLETION OF BUDGET NEGOTIATIONS**
**March 24, 1994 2:00 p.m.**

| | Option I | Option II | Option III |
|---|---|---|---|
| 5 Punishment Bills | Enact | Enact | Enact |
| Structured Sentencing | 10–1–94 (Hiring 8–1–94) | 10–1–94 (Hiring 8–1–94) | 10–1–94 (Hiring 8–1–94) |
| Funding of Items in Controversy | S.O.S. – $5M<br>Fam. Res. Cntr. – $2M<br>CBA – $3M<br>School Based Alternatives – $12M<br>Reserve – $44.8M | S.O.S. – $5M<br>Fam. Res. Cntr. – $2M<br>CBA – $3M<br>School Based Alternatives – $12M<br>Reserve – –0– | None<br>None<br>None<br>None<br>None<br>None |
| Funding of Items Not in Controversy (Items Identical in House and Senate Versions of HB 39) | $159.2M | $159.2M | $159.2M |

**NOTE:** Reserve Items for Option I:

| | |
|---|---|
| BEP (with local flexibility) | $28.8M |
| Low Wealth/Small School System Supplemental Funding | $15.0M |
| Mecklenburg/Eastern Rural Drug Courts | $415,418 |
| Training School Positions (Including 7 additional positions in Buncombe County | $543,651 |
| | **$44.8M** |

**NOTE:** Tentative agreements between House and Senate on other budget items total net of $4.9M

March 25, 1994 (See page 137)—S.B. 150; H.B. 39

By Senator Daniel, Chairman:

"Thanks, Mr. President. Members of the Senate, I know it's much harder on those of you that are not on the conference committee on **S.B. 150** and **H.B. 39**, because it looks like it's 'hurry up and wait, hurry up and wait, hurry up and wait.' I want you to know that after we adjourned yesterday, a lotta hoopla went on, as a matter of fact, of historical proportions with the Governor coming over and trying to see if there was anything that could close the chasm that currently exists between where the Senate stance is—strong stance—and the House stance. Meetings went on by your conferees throughout the remain-

der of the afternoon and into the evening. Matter of fact, I think the last conferee left this Building sometime just before, sometime between 11:30 and 12:00. And, we, the conferees have convened back this morning at 9:00 A.M. and we are still in the process of trying to bring some closure. Mr. President, I would suggest as I make these remarks that as we are waiting to see what can be accomplished today to determine if it can be done by reasonable time, say, this afternoon. And I say that in the spirit of actually getting it closed and us leaving. That if the President Pro Tem is so inclined, that we would recess from hour to hour so that we can come in and give you as up–to–date a report as possible, and we will endeavor to 'keep on keeping on.' I don't have any further substantive update other than what we gave you yesterday in the form of explanation of our offer which contained three options, as well as the document that was passed out. There was one corrected document, I hope, that's been put on your desks relating to all the monies that we discussed, and with that, Mr. President, that's where we are." [see handout]

March 25, 1994 (See page 137)

**SPENDING OPTION COMPARISONS**
**1994 SPECIAL CRIME SESSION**
**MARCH 24, 1994**
**(Corrected)**

| | GOVERNOR'S 1994–95 | SENATE BILL 150 1993–94 | SENATE BILL 150 1994–95 | HOUSE CS S150 1993–94 | HOUSE CS S150 1994–95 |
|---|---|---|---|---|---|
| OPERATING | $91.0M | $ .4M | $129.0M | $ 6.7M | $199.4M |
| CAPITAL IMPROVEMENTS | 27.4M | 26.0M | 36.6M | 28.0M | 36.6M |
| **TOTAL** | **$118.4M** | **$26.4M** | **$165.6M** | **$34.7M** | **$236.0M** |

| | SENATE OPTION I 1993–94 | SENATE OPTION I 1994–95 | SENATE OPTION II 1993–94 | SENATE OPTION II 1994–95 | SENATE OPTION III 1993–94 | SENATE OPTION III 1994–95 |
|---|---|---|---|---|---|---|
| OPERATING | $ .4M | $207.0M | $ .4M | $162.7M | $ .02M | $122.6M |
| CAPITAL IMPROVEMENTS | 26.4M | 36.6M | 26.4M | 36.6M | 24.0M | 36.6M |
| **TOTAL** | **$26.8M** | **$243.6M** | **$26.8M** | **$199.3M** | **$24.02M** | **$159.2M** |

March 25, 1994 (See page 139)—S.B. 150; H.B. 39

By Senator Basnight, President Pro Tempore:

"Members, we are fast—hopefully, fast approaching agreements on the differences that the conferees have been working on. The Speaker, myself, Senator Daniel, and Representative Nesbitt have concluded what is, hopefully, a final meeting before the four of us. But now, in turn, the conferees of the two respective Bodies will need to work the differences out that are understood as they have been previously. The major components have been agreed upon if the conferees concur, if the conferees concur. And I believe Senator Daniel is going to announce the conferee meeting and the logistics are moving in that direction, and give you further update."

By Senator Daniel, Chairman:

"Thank you, Mr. President. Conferee members, **S.B. 150**, we will meet immediately upon the further recessing of this session in the Senate Conference Room, spend a little bit of time going over the general areas of discussion and disagreement and at that point in time we will take action either to get some lunch—we'll go into the details a little bit further and see if we can't get matters working so we can get something back before the Body, Mr. President, about 4:00."

# SELECT COMMITTEES

A full listing of standing and select committees can be found in the 1993 General Assembly *Senate Journal Second Session.* (See page 922.)

## CORRECTIONS/PUNISHMENT

**Chairmen:** Senator Ballance
Senator Odom

**Senators:** Albertson, Blackmon, Carpenter, Conder, Daniel, Hoyle, Kincaid, Lee, R. L. Martin, Marshall, Parnell, Plexico, Plyler, Richardson, Sands

## COURTS

**Chairmen:** Senator Cooper
Senator Soles

**Senators:** Cochrane, Folger, Hartsell, Hyde, Kerr, Jordan, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Winner of Buncombe

## JUVENILES/PREVENTION

**Chairmen:** Senator Martin of Guilford
Senator Perdue

**Senators:** Allran, Codington, Edwards, Forrester, Gulley, Gunter, Harris, Johnson, Kaplan, Lucas, Tally, Walker, Ward, Warren, Winner of Mecklenburg

# SENATE STAFF

## OFFICE OF THE PRESIDENT

| | |
|---|---|
| Lieutenant Governor | Dennis A. Wicker |
| Chief of Staff | Kaye Gattis |
| Legislative Counsel | Robert Reives |
| Director of Communications | Robert D. Phillips |
| Special Assistants | |
| Boards and Commissions | Shirley Fowler |
| Constituent Affairs | Maggie Pollock |
| Research and Policy | David C. Smith |
| Administrative Assistants | Greta L. Rogers |
| | Patricia Simpson |
| Executive Secretary | Camille Vaughan |
| Scheduler | Rhonda Currier |

## OFFICE OF THE PRESIDENT *PRO TEMPORE*

| | |
|---|---|
| President Pro Tempore | Marc Basnight |
| General Counsel/Liaison | Norma Ware |
| Communications Director | Bret Kinsella |
| Special Assistant for Policy and Research | Angela Talton |
| Executive Assistant | Joan Leatherman |
| Administrative Assistants | Andrea Gardner |
| | Cynthia Johnson |
| Page Coordinator | Dot Holbrook |
| Page Supervisor | Carolyn Terry |

## OFFICE OF THE DEPUTY PRESIDENT *PRO TEMPORE*

| | |
|---|---|
| Deputy President Pro Tempore | R. C. Soles, Jr. |
| Administrative Assistant | Janet Puryear |

## OFFICE OF THE PRINCIPAL CLERK

| | |
|---|---|
| Principal Clerk | Sylvia Morris Fink |
| Administrative Assistants | June Simpkins Bennett |
| | Mona R. Fitzgerald |
| Calendar Clerk | Emma E. "Bill" Farrow |
| Assistant Calendar Clerks | Linda Stephenson |
| | Kathryn Wilson |
| Journal Clerk | Sandra P. Brown |
| Assistant Journal Clerks | Beverly H. Allen |
| | Betty Bridger |
| | Nancy Dickens |
| | Grace J. Hale |
| | Lesley Litton–McKenzie |

## READING CLERK

LeRoy Clark, Jr.

**OFFICE OF THE SERGEANT–AT–ARMS**

| | |
|---|---|
| Sergeant–at–Arms | Cecil Goins |
| Deputy Sergeant–at–Arms | Royster Baker |
| Secretary | Martha Dunn |
| Assistants | |
| Patrick Bailey | Hubert Poole |
| Collis Brown | Walter Ramseur |
| Erin Graham | Phil Riley |
| Jack Mueller | Aaron Solomon |
| Matthew Odom | Leslie Wright |
| Mary Perry | |

**CHAPLAIN** Mike Morris

**SECRETARIES/COMMITTEE CLERKS**

SUPERVISOR Janet Pruitt

| *Name* | *Senator* | *Clerk of Committee* |
|---|---|---|
| Allen, Doris | Parnell | Insurance |
| Avent, Irma | Richardson | Appropriations on Human Resources |
| Bagley, Jane (Dee) | Smith | |
| Batchelor, Jerry | Harris | Pensions and Retirement |
| Birdsong, Julia | Albertson | Agriculture, Marine Resources, and Wildlife |
| Bowles, Gerry | Gunter | |
| Britt, Judy | Daniel | Appropriations |
| Caldwell, Wilma | Warren | Banks and Thrift Institutions |
| Canady, Anne | Perdue | Education/Higher Education; Juveniles/Prevention, Select |
| Carpenter, Helen | Carpenter | |
| Clark, Esther | Codington | |
| Cooper, Hazel | Walker | Children and Human Resources |
| Costello, Evelyn | Kaplan | Capital Expenditures and Improvements |
| Crutchfield, Sondra | Martin of Guilford | Government Performance Audit, Select; Juveniles/Prevention, Select |
| David–Yerumo, Bernie | Lucas | |
| Dunnigan, Soraya | Edwards | Economic Development/Travel and Tourism |
| Gooden, Carolyn | Winner of Buncombe | Finance |
| Halifax, Peggy | Johnson | State Personnel and State Government |
| Hartsell, Evelyn | Kerr | Manufacturing and Labor |
| Hogan, Peggy Anne | Sands | Rules and Operation of the Senate |
| Holbrook, Dot | | Office of Supervisor |
| Holt, Gerald | Winner of Mecklenburg | Bonds, Select |
| Honeycutt, Rennie | Cooper | Judiciary II; Courts, Select |

**SECRETARIES/COMMITTEE CLERKS** (continued)

| *Name* | *Senator* | *Clerk of Committee* |
|---|---|---|
| House, Pat | Ward | Appropriations on Education |
| Jacobi, Marianne | Tally | Environment and Natural Resources |
| Johnson, Gerry | Hartsell | |
| Johnston, Charlotte | Speed | Transportation |
| Jordan, Martha | Simpson | |
| King, Margaret | Allran | |
| King, Mary | Jordan | |
| Lambert, Ann | Sherron | Ways and Means |
| Leatherman, Joan | Basnight | Office of President *Pro Tempore* |
| Lefort, Terry | Blackmon | |
| LeGrande, Beth | Plexico | Appropriations on General Government |
| Misner, Pat | Plyler | Appropriations |
| Murphy, Sarah | Conder | Majority Leader |
| Myers, Elaine | Hoyle | |
| Parrish, Claudette | | Office of Supervisor |
| Porter, Phyllis | Kincaid | |
| Pulley, Nancy | Hyde | Constitution and Election Laws |
| Puryear, Janet | Soles | Deputy President *Pro Tempore*; Courts, Select |
| Resar, Carol | Gulley | |
| Russell, Elnora | Lee | Appropriations on Department of Transportation |
| Shaw, Linda | Shaw | Minority Leader |
| Slusser, Jan | Marshall | |
| Steed, Wanda | Ballance | Judiciary I; Corrections/ Punishment, Select |
| Stowe, Rosemary H. | Martin of Pitt | Appropriations on Natural and Economic Resources |
| Taylor, Mary Lee | Cochrane | |
| Tyree, Lois | Forrester | |
| Tyson, Mary | Folger | Local Government and Regional Affairs |
| Waugaman, Dorothy | Odom | Appropriations on Justice and Public Safety; Corrections/ Punishment, Select |
| Williams, Penny | Seymour | Public Utilities |

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# NUMERICAL INDEX

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**Note:** Certain bills not ratified, included by reference, or identifiable within another measure are reflected with the final action.


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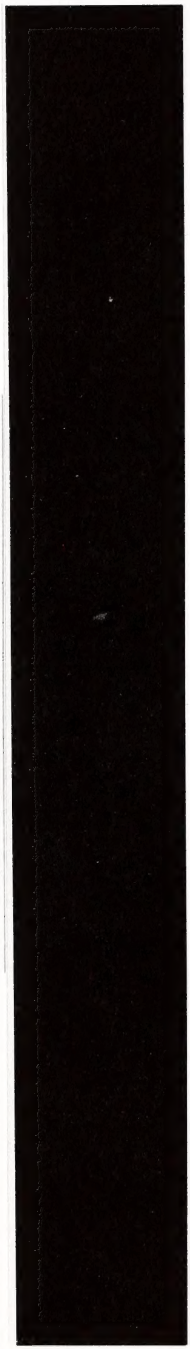

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# ALPHABETICAL INDEX

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**LEE, Howard N.—Senator** Chatham, Lee (part), Moore, **Orange,** Randolph (part)—**16th District**
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—District 42—Senator Robert C. Carpenter
**MADISON COUNTY**—District 28—Senator Herbert L. Hyde
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**MARTIN, R. L.—Senator** Edgecombe (part), Martin (part), **Pitt** (part), Washington (part), Wilson (part)—**6th District**
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—Senator Aaron W. Plyler
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—District 7—Senator Luther H. Jordan, Jr.
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—Senator Jeanne H. Lucas
—District 14—Senator Joseph E. Johnson
—Senator J. K. Sherron, Jr.
—District 36—Senator Linda Gunter
**WALKER, Russell G.—Senator** Chatham, Lee (part), Moore, Orange, **Randolph** (part)—**16th District**
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—Senator Daniel R. Simpson
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# JOURNAL

## OF THE

# SENATE

## OF THE

# GENERAL ASSEMBLY

## OF THE

# STATE OF NORTH CAROLINA

## SECOND SESSION

## 1994

# OFFICERS AND MEMBERS
# OF
# THE SENATE OF NORTH CAROLINA
## 1993 GENERAL ASSEMBLY
## SECOND SESSION 1994

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MARC BASNIGHT, President *Pro Tempore* ..... Manteo
R. C. SOLES, JR., Deputy President *Pro Tempore* ..... Tabor City
SYLVIA M. FINK, Principal Clerk ..... Raleigh
LEROY CLARK, JR., Reading Clerk ..... Wendell
CECIL GOINS, Sergeant-at-Arms ..... Raleigh

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| 2 | | FRANK W. BALLANCE, JR. | Warrenton |
| 3 | | BEVERLY M. PERDUE | New Bern |
| 4 | * | PATRICK J. BALLANTINE | Wilmington |
| 5 | | CHARLES W. ALBERTSON | Beulaville |
| 6 | | R. L. MARTIN | Bethel |
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| 19 | | ROBERT G. SHAW | Greensboro |
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| | | MARVIN WARD | Winston-Salem |
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| | *** | CHARLIE SMITH DANNELLY | Charlotte |
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| 38 | | BETSY L. COCHRANE | Advance |
| 39 | | JAMES FORRESTER | Stanley |
| 40 | | LESLIE WINNER | Charlotte |
| 41 | | C. R. EDWARDS | Fayetteville |
| 42 | | ROBERT C. CARPENTER | Franklin |

*(See Appendix for Senatorial Districts)*
* Appointed March 25, 1994
** Resigned August 15, 1994
*** Appointed September 2, 1994
**** Resigned December 16, 1994

# SENATE JOURNAL
## SECOND SESSION 1994

### ONE HUNDRED TENTH DAY

SENATE CHAMBER,
Tuesday, May 24, 1994.

The Senate meets at 12 M. pursuant to adjournment as provided by Resolution 31, and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with a quote by Charles Kuralt, as follows:

"Gracious God, a native son has described North Carolina as 'The Goodliest Land.'

"Though this has been, already, a long and sometimes difficult year for the Senators and staff, we would still enthusiastically agree with the writer.

"For as this Session of the Legislature convenes, there are tangible evidences of Your Rich Blessing upon our State and her people – a healthier economy and a surplus of resources with which to work.

"Being good stewards of these resources and knowing how to pass on the Blessing will be the task and opportunity of these men and women.

"We pray that the mystery beyond all tangible and material things, Your Spirit, will guide them giving direction and meaning to all that goes on here. For You have entrusted them to be the caretakers of this 'Goodliest Land.' Abide with us, O God, we pray. Amen."

Led by the Lieutenant Governor, Members and guests remain standing and pledge allegiance to the United States of America.

Senator Basnight, President *Pro Tempore*, announces the Journal of Saturday, July 24, 1993, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

### APPOINTMENT TO FILL UNEXPIRED TERM

The President lays before the Senate the Proclamation issued by Governor James B. Hunt, Jr., on March 25, 1994, appointing Patrick J. Ballantine to fill the vacancy created by the death of Senator John Codington as follows:

STATE OF NORTH CAROLINA

**James B. Hunt, Jr.**
***Governor***

THE APPOINTMENT OF PATRICK J. BALLANTINE
1994
BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA
A PROCLAMATION

WHEREAS, the Honorable John Codington, elected Senator from the Fourth District, 1993 General Assembly, has died in office; and

WHEREAS, the provisions of General Statutes 163–11 require that the vacancy created by the death of the Honorable John Codington be filled by appointment of the person recommended by the Fourth Senatorial District Executive Committee of the Republican Party; and

WHEREAS, the Fourth Senatorial District Executive Committee of the Republican Party has notified me of its recommendation of Patrick J. Ballantine of Wilmington, North Carolina, to fill said vacancy,

I do by these presents appoint
**Patrick J. Ballantine**
as a member of the
NORTH CAROLINA SENATE
1993 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 25th day of March in the year of our Lord, One Thousand Nine Hundred Ninety–Four.

S/James B. Hunt, Jr.
*Governor of North Carolina*

S/Rufus L. Edmisten
(SEAL) *Secretary of State*

The Chair announces the Oath of Office taken and subscribed to, on file in the Office of the Principal Clerk.

The Chair recognizes the Sergeant–at–Arms, Cecil Goins, who announces the presence of Senator Patrick J. Ballantine in the Chamber who awaits direction of the Chair.

The Chair recognizes Senator Basnight, President *Pro Tempore*, who announces the assignment of Seat No. 43, vacated by Senator Codington, to Senator Ballantine.

Senator Basnight, President *Pro Tempore*, appoints Senator Shaw, Senator Soles, and Senator Jordan to escort Senator Ballantine to his seat.

The President directs the named Senators to escort Senator Ballantine to Seat No. 43, which he assumes with full privileges as a Senator of the General Assembly of North Carolina. The President of the Senate extends congratulations.

The Chair recognizes Senator Ballantine, who briefly addresses the membership.

With unanimous consent, on motion of Senator Soles, the remarks of Senator Ballantine are spread upon the Journal, as follows:

"Mr. President, I'd like to make a point of personal privilege.

"Thank you Mister President, Mister President *Pro Tempore*, Members of the Senate, I feel that it is only appropriate that my first spoken words in this hallowed chamber be directed toward the memory of the late Senator John Codington. Dr. Codington was a man who served his county, his district, his state, his country and his God with great dignity and grace. He epitomized the true southern gentleman. He was a wonderful family man and he was a leader by example. I will miss him. All I have to say today on my behalf, is that I look forward to being in the Senate and working with each of you in an attempt to provide good government for all of the citizens of North Carolina. Thank you."

The President extends courtesies of the floor to James B. Garrison, former Senator from Stanly County.

## APPOINTMENT OF COMMITTEES

Senator Basnight, President *Pro Tempore*, appoints Senator Ballantine to the following Standing Committees:

**Appropriations on General Government, Appropriations, Children and Human Resources, Insurance, Judiciary I, and Ways and Means.**

## RECALL FROM ENROLLING

**H.B. 1319** (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, and to direct various State agencies to study specified issues, ordered enrolled on July 24, 1993.

Senator Sands offers a motion that the Committee Substitute bill be recalled from the Office of Enrolling for further consideration, which motion prevails, with unanimous consent.

The Chair recalls the Committee Substitute bill from the Office of Enrolling, and orders the measure placed before the Senate for further consideration.

Senator Sands offers a motion that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails and the question becomes passage of the measure upon third reading.

With unanimous consent, on motion of Senator Sands, the Committee Substitute bill is referred to the **Rules and Operation of the Senate Committee**.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills, ordered enrolled July 24, 1993, properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**S.B. 690**, an act amending the Charter of Durham to authorize the making of emergency repairs in housing code cases. (Ch. 556)

**S.B. 1222** (House Committee Substitute), an act to provide for a disabled sportsman program under the Wildlife Resources Commission and to establish a nonresident bear hunting license. (Ch. 557)

**H.B. 1158**, an act to prohibit the erection of outdoor advertising on a portion of U.S. Highway 52 and North Carolina Highway 752 in Surry County and to prohibit the erection of outdoor advertising on any interstate highway in Buncombe County outside the limits of a municipality. (Ch. 559)

**S.B. 785** (House Committee Substitute), an act to extend the sunset for the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association. (Ch. 562)

## REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports *(see Appendix)* which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 321, Section 23 of the 1993 Session Laws, the Office of State Budget and Management submits the Plan for the Implementation of the Bloodborne Pathogens Standard of the Occupational Safety and Health Act.

Pursuant to Chapter 321, Section 10 of the 1993 Session Laws, the Office of State Budget and Management submits notification of approval for New Position in the Department of Transportation, Fiscal Section.

Pursuant to Chapter 561, Section 76, of the 1993 Session Laws, the Department of Administration submits a Proposed Clarifying Policy Concerning Correction Enterprises.

Pursuant to Chapter 321, Section 240 of the 1993 Session Laws, the Department of Human Resources submits a Plan for bendor Payment Methodology for Domiciliary Care Facilities.

Pursuant to Chapter 24 of the 1993 Session Laws, Extra Session 1994, the Department of Administration submits Notification of Intent to Exercise the Waiver of Statutes to Expedite the Delivery of Prison Facilities.

Pursuant to Chapter 321, Section 200 of the 1993 Session Laws, the Administrative Office of the Courts submits an Interim Report of the North Carolina Supreme Court Dispute Resolution Committee to the Supreme Court of North Carolina and the Administrative Office of the Courts.

Pursuant to Chapter 321, Section 200 of the 1993 Session Laws, the Administrative Office of the Courts submits the North Carolina Dispute Settlement Centers: An Evaluation of Effectiveness and the Need for Expansion.

Pursuant to Chapter 388 of the 1993 Session Laws, the Governor's Task Force on the Implementation of the Comprehensive Compensation System submits a Final Report to the Governor and the 1994 General Assembly of North Carolina.

Pursuant to G.S. 131D–3 and 131D–4, the Department of Human Resources submits Annual Costs and Revenue Reports for Domiciliary Care Facilities.

Pursuant to Chapter 321, Section 227 of the 1993 Session Laws, the Department of Human Resources submits a Request for Extension of Implementation of the DRG Hospital Reimbursement System.

Pursuant to Chapter 321, Section 227 of the 1993 Session Laws, the Department of Human Resources submits a Feasibility of Implementing Selective Contracting for Inpatient Hospital Services for Medicaid Clients.

Pursuant to Chapter 321, Section 219 of the 1993 Session Laws, the Department of Human Resources submits its Annual Report of Activities and Expenditures, *Cassell, et al. v. Britt, et al* Lawsuit.

Pursuant to Chapter 321, Section 284 of the 1993 Session Laws, the Governor's Commission on Reduction of Infant Mortality submits a Request for Extension of Submission of Report until July 15, 1994.

Pursuant to Chapter 357 of the 1993 Session Laws, the Department of Human Resources submits a Provision of Medical and Mental Health Evaluations for Children Suspected of Being Abused and Neglected.

Pursuant to Chapter 321 of the 1993 Session Laws, the System of Community Colleges submits a Community College Report.

Pursuant to Chapter 535 of the 1993 Session Laws, the North Carolina Sentencing and Policy Advisory Commission submits the Revised Summary of New Sentencing Laws and the State–County Criminal Justice Partnership Act and Victim Restitution in North Carolina Report to the 1994 Session of the General Assembly.

Pursuant to Chapter 24, Section 13 of the 1993 Session Laws of the Extra Session 1994, the Department of the Secretary of State submits the Criminal Justice Information Network Interim Report.

Pursuant to Chapter 689, Section 71 of the 1991 Session Laws, the Department of Crime Control and Public Safety submits its Quarterly Report on Use of Community Service Workers in State Parks.

Pursuant to Chapter 1044, Section 55 of the 1991 Session Laws and Chapter 561, Section 107 of the 1993 Session Laws, the Department of Environment, Health, and Natural Resources submits the Third Quarterly Report on Water Resources Development Project Funding.

Pursuant to Chapter 542 of the 1993 Session Laws, the North Carolina System of Community Colleges submits its Quarterly Report on the Expenditure of Moneys from the Community College Bonds Fund.

Pursuant to Chapter 24, Section 29(b) of the 1993 Session Laws, Extra Session 1994, the Department of Crime Control and Public Safety submits its Crime Stoppers Programs Report.

Pursuant to Chapter 1010, Section 2 of the 1991 Session Laws, Second Session 1992, the General Statutes Commission submits its Statutory Lien Rights of Contractors and Subcontractors and Payment and Performance Bonds Report.

## FILING DEADLINE

Senator Basnight, President *Pro Tempore*, announces the bill filling deadline for all appropriation bills as 3:00 P.M., today, Tuesday, May 24, and the schedule for the introduction of all measures. *(See Addendum)*

## CALENDAR

A joint resolution on the Calendar carried forward as unfinished business from Saturday, July 24, 1993, is taken up and disposed of, as follows:

**S.J.R. 1297**, a joint resolution setting the time for adjournment of the 1993 General Assembly to meet in 1994, limiting the subjects that may be considered in that Session, and providing for adjournment *sine die* of the General Assembly.

With unanimous consent, on motion of Senator Sands, the joint resolution is referred to **Rules and Operation of the Senate Committee**.

## EXECUTIVE ORDERS

Executive Orders received in the Office of the Senate Principal Clerk following adjournment *sine die* of the Extra Session of the 1993 North Carolina General Assembly are presented to the Senate *(See Appendix)*, read and referred to committee, as follows:

**Executive Order Number 41,** Extending the Governor's Commission on Reduction of Infant Mortality.
Referred to **Children and Human Resources Committee.**

**Executive Order Number 42,** Rescission of Previous Administration Executive Orders:
36, Governor's Advisory Committee on Agricultural Parks;
78, Governor's Task Force on Injury Prevention;
110, Advisory Council on International Trade;
136, North Carolina Advisory Council on Telecommunications in Education;
143, North Carolina Advisory Council on Vocational and Applied Technology Education;
153, North Carolina 2000 Steering Committee;
156, North Carolina Committee on Literacy and Basic Skills;
161, Advisory Council on International Trade;
Memorandum of Agreement Concerning the Establishment of the De Soto Trail Commission.
Referred to **Rules and Operation of the Senate Committee.**

**Executive Order Number 43,** North Carolina State Health Coordinating Council.
Referred to **Children and Human Resources Committee.**

**Executive Order Number 44,** North Carolina Commission on Business Laws and the Economy.
Referred to **Economic Development/Travel and Tourism Committee.**

**Executive Order Number 45,** Governor's Initiative to Strengthen North Carolina Historically Black Colleges and Universities.
Referred to **Education/Higher Education Committee.**

**Executive Order Number 46,** Commission on Substance Abuse Treatment and Prevention.
Referred to **Rules and Operation of the Senate Committee.**

**Executive Order Number 47,** Board of Education for the Schools for the Deaf.
Referred to **Children and Human Resources Committee.**

**Executive Order Number 48,** Concerning the State Commission on National and Community Service.
Referred to **State Personnel and State Government Committee.**

**Executive Order Number 49,** Fiscal Notes on Administrative Rules Affecting Local Governments.
Referred to **Appropriations Committee.**

## APPOINTMENT BY THE GOVERNOR

The President directs the Reading Clerk to read:

**STATE OF NORTH CAROLINA**

OFFICE OF THE GOVERNOR
RALEIGH 27603–8001

May 17, 1993

The Honorable Dennis Wicker
President of the Senate
State Capitol
Raleigh, North Carolina 27603

*Dear Dennis:*

Pursuant to North Carolina General Statute 135–6, I hereby appoint Shirley A. Bell to the Teachers' and State Employees' Retirement System Board of Trustees and submit her name for confirmation by the North Carolina Senate. Ms. Bell fills the position specified for an active state employee. She will serve until April 1, 1995 to complete the unexpired term of Spillman Grice who retired.

Enclosed is biographical information from Ms. Bell. Please let my Office of Boards and Commissions know if you need further information.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
*Governor*

Referred to **Pensions and Retirement Committee**.

## RESOLUTIONS FROM OTHER STATES

The following concurrent resolutions are received from other legislative bodies *(See Addendum)* presented to the Senate, and ordered placed on file in the Office of the Principal Clerk:

KANSAS SENATE CONCURRENT RESOLUTION NO. 1620
A CONCURRENT RESOLUTION requesting the Congress of the United States to propose for ratification by the states an amendment to the Constitution of the United States requiring the federal government to pay costs incurred by states in providing programs and services mandated or required by the federal government.

KANSAS HOUSE CONCURRENT RESOLUTION No. 5031
A CONCURRENT RESOLUTION requesting the Kansas Attorney General to recommend to the Legislature whether to join in an action in the United States Supreme Court to obtain information about Kansas POWS/MIAS in Southeast Asia.

MICHIGAN HOUSE CONCURRENT RESOLUTION NO. 185
A CONCURRENT RESOLUTION requesting the Michigan Attorney General to file suit in the United States Supreme Court against the United States Government, specified U.S. Government Departments and Agencies, and the official Representatives of certain other countries alleging violations of the civil rights of prisoners of war or missing in

action and to demand that documents concerning these individuals be released, and also urging the other forty–nine states to join in this action.

The President recognizes the following pages serving in the Senate this week: Kyle Lion Bynes, Kinston; Diana Rene' Ellis, Raleigh; Shane Paul Ellis, Blanch; Stacy Huff, Graham; Kristian Kay Johnston, Fayetteville; William Lyle Lewis, Jr., Havelock; Amanda Kay McCullen, Dudley; Brant McWilliams, Pinehurst; Bryan Mitchell, Elizabeth City; Raj Patnaik, Charlotte; Kelly L. Rose, Pineville; and Cindy Ann Walker, Wallace.

The Chair recognizes Mrs. Tonita Stephenson, who is serving as the North Carolina Senate Page Supervisor for the Second Session, of the North Carolina General Assembly 1993 Session.

On motion of Senator Basnight, seconded by Senator Ballantine, the Senate adjourns at 12:40 P.M. to meet tomorrow, Wednesday, May 25, at 11:00 A.M.

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## ONE HUNDRED ELEVENTH DAY

SENATE CHAMBER,
Wednesday, May 25, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"A wise and prophetic person has said that the smallest deed is better than the grandest intention."

"Our prayer today, O Lord, is that the great expectations the Senators have for legislation in this Session, and that the grand intentions that we all possess for our lives, be built on small deeds done in behalf of others, one day at a time. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, May 24, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Marshall, due to a conflict with a personal appointment.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**S.B. 829** (House Committee Substitute), a bill to transfer the North Carolina State Museum of Natural Sciences and its Advisory Commission from the Department of Agriculture to the Department of Environment, Health, and Natural Resources and to conform various statutory references to that Museum, for concurrence in the House Committee Substitute bill.

Recommitted to **State Personnel and State Government Committee**.

## INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Simpson:
**S.B. 1300**, a bill to appropriate funds for the construction of sewer lines for the Town of Glen Alpine.
Referred to **Appropriations Committee**.

By Senator Simpson:
**S.B. 1301**, a bill to appropriate funds to Avery County for its public recreation program.
Referred to **Appropriations Committee**.

By Senators Plyler and Daniel:
**S.B. 1302**, a bill to make changes in continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes.
Referred to **Appropriations Committee**.

By Senators Plyler and Daniel:
**S.B. 1303**, a bill to make changes in the Current Operations Appropriations Act of 1993 and to otherwise modify the budget operations of the State.
Referred to **Appropriations Committee**.

By Senators Plyler and Daniel:
**S.B. 1304**, a bill to make changes in the Capital Improvements Appropriations Act of 1993 and to otherwise modify the budget operations of the State.
Referred to **Appropriations Committee**.

By Senator Ward:
**S.B. 1305**, a bill to appropriate funds to increase the salary supplement paid to school psychologists with advanced degrees.
Referred to **Appropriations Committee**.

By Senator Ward:
**S.B. 1306**, a bill to appropriate funds for the University of North Carolina School of Medicine's Statewide Infection Control Program.
Referred to **Appropriations Committee**.

By Senators Ward and Gunter:
**S.B. 1307**, a bill to enhance the Nursing Scholars Program and to appropriate funds.
Referred to **Appropriations Committee**.

By Senator Ward:
**S.B. 1308**, a bill to appropriate funds for the University of North Carolina Allied Health Plan.
Referred to **Appropriations Committee**.

By Senator Harris:
**S.B. 1309**, a bill to set compensation for members and officers of the General Assembly.
Referred to **Appropriations Committee**.

By Senator Harris:

**S.B. 1310**, a bill to include expense allowances as compensation under the Legislative Retirement System.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Harris, Forrester, Gunter, Warren, and Winner of Mecklenburg:

**S.B. 1311**, a bill to change the method for calculating the reduction for early retirement in the Teachers' and State Employees' Retirement System; to increase the retirement formula with an adjusting increase to retirees of the Teachers' and State Employees' Retirement System and of the Local Governmental Employees' Retirement System; and to provide an increase to retirees of the Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System, the Legislative Retirement System and the Judicial Retirement System.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Harris, Gunter, Richardson, and Walker:

**S.B. 1312**, a bill to appropriate funds for TEACCH's research and services for people with autism and their families.

Referred to **Appropriations Committee**.

By Senator Soles:

**S.B. 1313**, a bill to appropriate funds to the County of Brunswick for development of a Senior Citizens Center at Oak Island.

Referred to **Appropriations Committee**.

By Senator Soles:

**S.B. 1314**, a bill to appropriate funds for the construction of a business and industry training center on the campus of Southeastern Community College.

Referred to **Appropriations Committee**.

By Senator Soles:

**S.B. 1315**, a bill to appropriate funds to the Department of Commerce to promote tourism and economic development at Lake Waccamaw.

Referred to **Appropriations Committee**.

By Senator Soles:

**S.B. 1316**, a bill to appropriate funds for local projects.

Referred to **Appropriations Committee**.

By Senator Soles:

**S.B. 1317**, a bill to appropriate funds for special projects.

Referred to **Appropriations Committee**.

By Senator Soles:

**S.B. 1318**, a bill to appropriate funds to the Division of National Guard for upgrading the air–conditioning and capital improvements at the Notional Guard Armory in Fair Bluff in Columbus.

Referred to **Appropriations Committee**.

By Senator Soles:

**S.B. 1319**, a bill to appropriate funds to the Department of Commerce for Economic Development in Columbus County.

Referred to **Appropriations Committee**.

By Senator Soles:
**S.B. 1320**, a bill to appropriate funds for projects.
Referred to **Appropriations Committee**.

By Senator Soles:
**S.B. 1321**, a bill to incorporate the Town of Sandyfield in Columbus County.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Soles:
**S.B. 1322**, a bill to appropriate funds to the County of Columbus for aid to municipalities for economic development and tourism.
Referred to **Appropriations Committee**.

By Senators Plyler and Conder:
**S.B. 1323**, a bill to incorporate the Village of Lake Park in Union County.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Plyler, Albertson, Carpenter, Conder, Odom, Parnell, and Speed:
**S.B. 1324**, a bill to encourage composting of poultry carcasses and provide an income tax credit for poultry composting facilities.
Referred to **Finance Committee**.

By Senators Tally, Forrester, Gulley, Gunter, and Hartsell:
**S.B. 1325**, a bill to appropriate funds for building the capacity of local boards of health to protect and promote the public's health.
Referred to **Appropriations Committee**.

By Senators Plyler and Conder:
**S.B. 1326**, a bill to appropriate funds to the Department of Agriculture for survey and treatment of fire ant infestations.
Referred to **Appropriations Committee**.

By Senators Plyler and Conder:
**S.B. 1327**, a bill to appropriate funds for an emergency services training facility at Montgomery Community College.
Referred to **Appropriations Committee**.

By Senators Plyler and Conder:
**S.J.R. 1328**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a joint resolution honoring the life and memory of Joe Max Thomas, former State Senator.
Referred to **Rules and Operation of the Senate Committee**.

By Senators Plyler and Conder:
**S.B. 1329**, a bill to appropriate funds for the North Carolina Center for World Languages and Cultures.
Referred to **Appropriations Committee**.

By Senators Plyler, Albertson, Carpenter, and Conder:
**S.B. 1330**, a bill to appropriate funds to implement the Aquaculture Development Act.
Referred to **Appropriations Committee**.

By Senators Plyler and Conder:
**S.B. 1331**, a bill to incorporate the Village of Marvin in Union County.
Referred to **Local Government and Regional Affairs Committee Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Marshall:
**S.B. 1332**, a bill to appropriate funds for the Coats Community Museum.
Referred to **Appropriations Committee.**

By Senator Marshall:
**S.B. 1333**, a bill to appropriate funds for the Lee–Harnett Area Mental Health, Developmental Disabilities, and Substance Abuse Program.
Referred to **Appropriations Committee.**

By Senator Marshall:
**S.B. 1334**, a bill to allow Harnett County to acquire property for use by the County Board of Education.
Referred to **Appropriations Committee.**

By Senators Marshall, Forrester, Martin of Pitt, and Walker:
**S.B. 1335**, a bill to amend State insurance and Medicaid laws to comply with the Federal Omnibus Budget Reconciliation Act of 1993 and guarantee the continued availability of federal Medicaid funds for the State; and to make a corresponding insurance law amendment.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Marshall, Ballance, Blackmon, Folger, Gulley, Hartsell, Martin of Guilford, Odom, Seymour, Simpson, and Soles:
**S.B. 1336**, a bill to allow service of process by a private process server when a proper officer returns service of process unexecuted.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Plyler, Conder, Gunter, Kaplan, Lee, and Odom:
**S.B. 1337**, a bill to appropriate funds for the North Carolina Law Enforcement Hall of Honor.
Referred to **Appropriations Committee.**

By Senators Marshall and Winner of Buncombe:
**S.B. 1338**, a bill to appropriate funds for the planning of a new State judicial center.
Referred to **Appropriations Committee.**

By Senator Conder:
**S.B. 1339**, a bill to appropriate funds for Coalition 2001 capital funds.
Referred to **Appropriations Committee.**

By Senator Conder:
**S.B. 1340**, a bill to appropriate funds for supportive housing, as recommended by Coalition 2001.
Referred to **Appropriations Committee.**

By Senators Conder and Plyler:
**S.B. 1341**, a bill to appropriate funds to Montgomery County for an additional building at the Haltiwanger Retreat Center.
Referred to **Appropriations Committee.**

By Senators Conder and Plyler:
**S.B. 1342**, a bill to appropriate funds to Richmond County to reimburse the County for the net cost of defending itself against efforts to site the Low–Level radioactive waste site in Richmond County.
Referred to **Appropriations Committee**.

By Senators Conder and Plyler:
**S.B. 1343**, a bill to appropriate funds to the Department of Community Colleges to add classroom space at Richmond Community College.
Referred to **Appropriations Committee**.

By Senator Hyde:
**S.B. 1344**, a bill to appropriate funds for maternity home and adoption services for young single mothers and for infants and children at risk of mortality and morbidity, homelessness, abuse, and neglect.
Referred to **Appropriations Committee**.

By Senators Walker, Carpenter, and Gunter:
**S.B. 1345**, a bill to appropriate funds for Senior Centers.
Referred to **Appropriations Committee**.

By Senator Martin of Pitt:
**S.B. 1346**, a bill to appropriate funds for pesticide program expansion.
Referred to **Appropriations Committee**.

By Senators Martin of Pitt, and Albertson:
**S.B. 1347**, a bill to appropriate funds for gypsy moth control.
Referred to **Appropriations Committee**.

By Senator Martin of Pitt:
**S.B. 1348**, a bill to appropriate funds for the Eastern North Carolina Agricultural Center.
Referred to **Appropriations Committee**.

By Senators Martin of Pitt, Albertson, and Warren:
**S.B. 1349**, a bill to appropriate funds for the Eastern North Carolina Agricultural Center.
Referred to **Appropriations Committee**.

By Senator Martin of Pitt:
**S.B. 1350**, a bill to appropriate funds to the Department of Agriculture to promote uniformity in grain grading practices.
Referred to **Appropriations Committee**.

By Senators Martin of Pitt and Hoyle:
**S.B. 1351**, a bill to appropriate funds to the Department of Agriculture for the Grassroots Science Programs.
Referred to **Appropriations Committee**.

By Senators Warren and Albertson:
**S.B. 1352**, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources for additional personnel for the Partnership for the Sounds project.
Referred to **Appropriations Committee**.

By Senators Warren, Albertson, Carpenter, and Gunter:
**S.B. 1353**, a bill to appropriate funds for the North Carolina 4–H Youth Development Program and a Youth Development Center.
Referred to **Appropriations Committee**.

By Senators Warren, Albertson, Carpenter, Gunter, and Martin of Guilford:

**S.B. 1354**, a bill to appropriate funds for the North Carolina 4–H Camp Program.

Referred to **Appropriations Committee.**

By Senator Soles:

**S.B. 1355**, a bill to appropriate funds for construction of a marine science research and education center at the University of North Carolina at Wilmington.

Referred to **Appropriations Committee.**

By Senators Warren and Albertson:

**S.B. 1356**, a bill to appropriate funds for capital improvements to the Medical School at East Carolina University.

Referred to **Appropriations Committee.**

By Senators Hoyle and Gunter:

**S.B. 1357**, a bill to appropriate funds to the Department of Crime Control and Public Safety to provide additional staff to the Alcohol Law Enforcement Division.

Referred to **Appropriations Committee.**

By Senators Richardson, Albertson, Ballance, Carpenter, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Jordan, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Seymour, Sherron, Smith, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg:

**S.B. 1358**, a bill to appropriate funds to expand Medicaid coverage for the elderly, the blind, and the disabled and for children.

Referred to **Appropriations Committee.**

By Senators Plexico, Albertson, Edwards, Gulley, Hoyle, Hyde, Parnell, and Warren:

**S.B. 1359**, a bill to appropriate funds to the North Carolina Technological Development Authority, Inc., to support the continued development of the Technological Development Authority as statewide entrepreneurial infrastructure.

Referred to **Appropriations Committee.**

By Senators Plexico, Hyde, and Winner of Buncombe:

**S.B. 1360**, a bill to appropriate funds to Western North Carolina Tomorrow for the "Year of the Mountains" program.

Referred to **Appropriations Committee.**

By Senators Plexico, Gunter, Tally, Walker, and Ward:

**S.B. 1361**, a bill to appropriate funds for a Legislative Research Commission Study Committee on Child Abuse and Neglect Social Work Improvement.

Referred to **Appropriations Committee.**

By Senators Plexico and Carpenter:

**S.B. 1362**, a bill to make it unlawful to remove or destroy electronic collars on dogs in Haywood, Jackson, Swain, Macon, Henderson, and Transylvania Counties.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senator Plexico:

**S.B. 1363**, a bill to appropriate funds to the Department of Community Colleges for the expansion of the Regional High Tech Center.

Referred to **Appropriations Committee.**

By Senator Plexico:

**S.B. 1364**, a bill to appropriate funds for construction of a wildlife management depot to serve Macon, Jackson, and Swain Counties.

Referred to **Appropriations Committee**.

By Senators Plexico and Hyde:

**S.B. 1365**, a bill to appropriate funds for the Dispute Settlement Center in Swain County.

Referred to **Appropriations Committee**.

By Senators Plexico and Carpenter:

**S.B. 1366**, a bill to appropriate funds to restore previous appropriations for the Kellogg Estate Community Center at the University of North Carolina at Asheville.

Referred to **Appropriations Committee**.

By Senators Plexico and Carpenter:

**S.B. 1367**, a bill to appropriate funds to Brevard Music Center, Inc., for renovation of the Whittington–Pfohl Auditorium.

Referred to **Appropriations Committee**.

By Senators Richardson, Blackmon, Odom, Plyler, and Winner of Mecklenburg:

**S.B. 1368**, a bill to appropriate funds for capital expenses of Discovery Place in Charlotte.

Referred to **Appropriations Committee**.

By Senators Carpenter, Albertson, Allran, Ballantine, Blackmon, Cochrane, Conder, Edwards, Forrester, Harris, Hartsell, Kincaid, Parnell, Perdue, Plexico, Seymour, Shaw, Simpson, Smith, Speed, and Warren:

**S.B. 1369**, a bill to direct local Boards of Education to permit voluntary student prayer and to appropriate funds to assist local boards of education in carrying out this duty.

Referred to **Judiciary II Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Perdue, Cochrane, Edwards, Gunter, Lee, Richardson, Smith, Soles, and Walker:

**S.B. 1370**, a bill to appropriate funds for the planning for the Institute Consortium of Gerontology of the University of North Carolina.

Referred to **Appropriations Committee**.

By Senators Perdue, Albertson, Gunter, and Jordan:

**S.B. 1371**, a bill to appropriate funds for Community College capital projects.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Hoyle:

**S.B. 1372**, a bill to appropriate funds to establish a Polymers Extension Program (PEP) at the Applied Research Center at the University of North Carolina at Charlotte.

Referred to **Appropriations Committee**.

By Senators Hoyle and Martin of Pitt:

**S.B. 1373**, a bill to appropriate funds to the North Carolina Housing Trust Fund.

Referred to **Appropriations Committee**.

By Senators Cochrane and Kaplan:

**S.B. 1374**, a bill to appropriate funds for renovation projects.

Referred to **Appropriations Committee**.

By Senators Hoyle and Forrester:

**S.B. 1375**, a bill to appropriate funds for capital expenditures at the Center for Applied Textile Technology.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Sands and Folger:

**S.B. 1376**, a bill to appropriate funds for the renovation and operation of Chinqua–Penn Plantation.

Referred to **Appropriations Committee**.

By Senators Winner of Buncombe, Cochrane, Hoyle, Kerr, and Marshall:

**S.B. 1377**, a bill to conform the threshold for determining if a penalty applies to an underpayment of withheld State income taxes to that used under the Internal Revenue Code for determining if a penalty applies to an underpayment of withheld federal income taxes, and to clarify the type of information a taxpayer must provide to the Secretary of Revenue.

Referred to **Finance Committee**.

By Senators Winner of Buncombe, Kaplan, and Plyler:

**S.B. 1378**, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects, or supplements to capital improvements projects, of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Walker and Gunter:

**S.B. 1379**, a bill to mandate criminal history and central registry history checks of child day care providers.

Referred to **Judiciary I Committee** and upon a favorable report, re–referred to the **Finance Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Winner of Mecklenburg and Gunter:

**S.B. 1380**, a bill to appropriate funds for the prevention of adolescent pregnancy.

Referred to **Appropriations Committee**.

By Senators Winner of Mecklenburg and Gunter:

**S.B. 1381**, a bill to appropriate funds for the prevention of adolescent pregnancy.

Referred to **Appropriations Committee**.

By Senators Winner of Mecklenburg and Richardson:

**S.B. 1382**, a bill to appropriate funds for the North Carolina Dance Theater's Smart Start Silver Anniversary Tour.

Referred to **Appropriations Committee**.

By Senators Winner of Mecklenburg, Allran, Conder, Edwards, Gunter, Walker, and Ward:

**S.B. 1383**, a bill to provide that funds appropriated to be allocated to the twelve local Smart Start projects established during the 1993–94 Fiscal Year shall not revert until

June 30, 1995, funds appropriated in Fiscal Year 1993–94 to be allocated for the Smart Start statewide evaluation, the professional development of day care providers, the Smart Start automated payment system, and the T.E.A.C.H. Program shall not revert until June 30, 1995, and any funds that may be appropriated in Fiscal Year 1994–95 to be allocated to new Smart Start projects to be established during the 1994–95 Fiscal Year shall not revert until June 30, 1996.

Referred to **Appropriations Committee**.

By Senators Winner of Mecklenburg, Allran, Conder, Edwards, Gunter, Walker, and Ward:

**S.B. 1384**, a bill to implement recommendations of the Joint Legislative Oversight Committee on Early Childhood Education and Development Initiatives to change the selection process for local demonstration projects, to allow the Department of Human Resources to delegate contracting authority to local partnerships, the North Carolina Partnership for Children, Inc. or a public or governmental entity, to require local partnerships to be newly formed organizations, to clarify the use of State funds by local partnerships, to provide that State funds shall not supplant current expenditures by counties on behalf of young children and their families, and to make technical changes to the law governing the early childhood initiatives.

Referred to **Children and Human Resources Committee.**

By Senators Winner of Mecklenburg, Gunter, Hartsell, Perdue, Sherron, Simpson, Smith, Ward, and Warren.

**S.B. 1385**, a bill to implement the recommendations of the Commission on School Technology to provide for State and local school technology plans, to establish a State School Technology Fund, and to appropriate funds for the School Technology Commission and the State School Technology Fund.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Gulley and Gunter:

**S.B. 1386**, a bill to establish the North Carolina Service Corps and to appropriate funds for its implementation.

Referred to **Children and Human Resources Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Gulley:

**S.B. 1387**, a bill to appropriate funds for the revision of the classification range of psychologists working in the Department of Human Resources institutions.

Referred to **Appropriations Committee**.

By Senators Gulley and Lucas:

**S.B. 1388**, a bill to appropriate funds to the County of Durham for land acquisition of Leigh Farm for a park.

Referred to **Appropriations Committee**.

By Senators Gulley and Lucas:

**S.B. 1389**, a bill to appropriate funds for ten Child Protective Services workers for Durham County.

Referred to **Appropriations Committee**.

By Senators Gulley and Lucas:

**S.B. 1390**, a bill to appropriate funds for operating expenses of the American Dance Festival.

Referred to **Appropriations Committee**.

By Senators Gulley and Lucas:

**S.B. 1391**, a bill to appropriate funds for repairs and renovations of the Carolina Theatre and of the St. Joseph's Historic Foundation.

Referred to **Appropriations Committee**.

By Senators Gunter and Winner of Mecklenburg:

**S.B. 1392**, a bill to appropriate funds for a Reserve for Limited–English Proficient Students.

Referred to **Appropriations Committee**.

By Senators Gulley, Ballantine, Blackmon, and Marshall:

**S.B. 1393**, a bill to raise the educational qualifications for the Office of Magistrate and to modify the magistrate's pay plan accordingly.

Referred to **Judiciary II Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Gulley, Allran, Hoyle, Lucas, Odom, and Winner of Mecklenburg:

**S.B. 1394**, a bill to appropriate funds to expand the Grassroots Science Program.

Referred to **Appropriations Committee**.

By Senators Conder and Parnell:

**S.B. 1395**, a bill to appropriate funds to the Board of Governors of the University of North Carolina to help construct a conference center at Pembroke State University.

Referred to **Appropriations Committee**.

By Senators Conder and Plyler:

**S.B. 1396**, a bill to appropriate funds to Richmond County to renovate the Leak Street Educational Center.

Referred to **Appropriations Committee**.

By Senators Plyler and Conder:

**S.B. 1397**, a bill to appropriate funds for construction of a forestry headquarters building and support staff in Union County.

Referred to **Appropriations Committee**.

By Senators Gunter, Blackmon, and Edwards:

**S.B. 1398**, a bill to require the registration of persons convicted of certain criminal sexual offenses and to appropriate funds to implement this act.

Referred to **Judiciary I Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Plexico and Carpenter:

**S.B. 1399**, a bill to appropriate funds to Transylvania County for the construction of a facility to serve as the headquarters for the County's forest rangers.

Referred to **Appropriations Committee**.

By Senators Plexico, Ballance, Gulley, Gunter, Smith, and Winner of Mecklenburg:

**S.B. 1400**, a bill to rewrite the voter registration laws of North Carolina.

Referred to **Constitution and Election Laws Committee**.

By Senator Albertson:
**S.B. 1401**, a bill to appropriate funds to the Agricultural Finance Authority for the Reserve for Farm Loans.
Referred to **Appropriations Committee**.

By Senator Albertson:
**S.B. 1402**, a bill to appropriate funds to the Division of National Guard for capital construction at the National Guard Armory in Warsaw in Duplin County.
Referred to **Appropriations Committee**.

By Senators Albertson, Lee, Perdue, and Shaw:
**S.B. 1403**, a bill to create a blue ribbon advisory council to study and make recommendations concerning policies and management of the State's oyster resources.
Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Ballance and Gunter:
**S.B. 1404**, a bill to appropriate funds for a treatment program for alcohol and drug abusers on probation or parole.
Referred to **Appropriations Committee**.

By Senators Parnell, Albertson, Conder, Plyler, and Soles:
**S.B. 1405**, a bill to appropriate funds for construction of a Southeastern Farmers' Market and Equestrian/Agricultural Center.
Referred to **Appropriations Committee**.

By Senator Parnell:
**S.B. 1406**, a bill to appropriate funds for the renovation of an annex to the Robeson County Library.
Referred to **Appropriations Committee**.

By Senator Parnell:
**S.B. 1407**, a bill to appropriate funds for a Hurricane Evacuation Restudy of Coastal North Carolina.
Referred to **Appropriations Committee**.

By Senator Hartsell:
**S.B. 1408**, a bill concerning Cabarrus County.
Referred to **Local Government and Regional Affairs Committee**.

By Senator Hartsell:
**S.B. 1409**, a bill to remove the sunset on an act to permit the County of Cabarrus to condemn certain property of private condemnors.
Referred to **Local Government and Regional Affairs Committee**.

By Senators Hartsell and Gunter:
**S.J.R. 1410**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to make it a felony to assault a law enforcement officer and to make it a felony to injure or kill a law enforcement agency animal.
Referred to **Rules and Operation of the Senate Committee**.

By Senators Hartsell and Blackmon:
**S.B. 1411**, a bill to amend the General Statutes regarding liens on real property and to amend and make permanent the law regarding attorneys' fees in actions relating to

liens on real property and payment and performance bonds, as recommended by the General Statutes Commission.

Referred to **Judiciary II Committee**.

By Senators Winner of Buncombe and Carpenter:

**S.B. 1412**, a bill to divide each Judicial District so as to reduce travel time and costs, to establish a new judicial pay scale, and to tie *per diem* reimbursement to Superior Court Judges to travel outside the county of residence.

Referred to **Appropriations Committee**.

By Senators Parnell and Albertson:

**S.B. 1413**, a bill to increase the penalty for the sale of controlled substances.

Referred to **Judiciary I Committee**.

By Senators Cooper, Martin of Pitt, and Speed:

**S.B. 1414**, a bill to appropriate funds to the Department of Human Resources to purchase computer equipment and software for the North Carolina Special Care Center.

Referred to **Appropriations Committee**.

By Senators Smith, Cochrane, Daniel, Lee, and Plyler:

**S.B. 1415**, a bill to appropriate funds for the Spencer Shops Historic Site.

Referred to **Appropriations Committee**.

By Senators Conder, Daniel, Parnell, Perdue, Plexico, Plyler, and Warren:

**S.B. 1416**, a bill to appropriate funds to provide for a statewide Independent Living Rehabilitation Program.

Referred to **Appropriations Committee**.

By Senators Conder, Richardson, and Walker:

**S.B. 1417**, a bill to appropriate funds to fund fully the expansion of mental health services recommended by Coalition 2001.

Referred to **Appropriations Committee**.

By Senators Conder, Hartsell, Lee, Perdue, Smith, Ward, and Warren:

**S.B. 1418**, a bill to reorganize education reports and to make technical corrections to the education laws.

Referred to **Education/Higher Education Committee**.

By Senators Speed, Albertson, Ballance, Cooper, Kerr, Marshall, Martin of Pitt, Soles, and Warren:

**S.B. 1419**, a bill to expand the Beaver Damage Control Program to additional counties and to appropriate funds to implement the expansion.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Speed:

**S.B. 1420**, a bill to appropriate funds for the Hunters for the Hungry Program.

Referred to **Appropriations Committee**.

By Senators Speed and Albertson:

**S.B. 1421**, a bill to appropriate funds for operating expenses of the Tobacco Farm Life Museum in Kenly.

Referred to **Appropriations Committee**.

By Senators Speed and Albertson:

**S.B. 1422**, a bill to appropriate funds for the Agriculture/Rural Life Outreach Project.

Referred to **Appropriations Committee**.

By Senators Lee and Albertson:
**S.B. 1423**, a bill to appropriate funds for capital improvements at the University of North Carolina at Chapel Hill.
Referred to **Appropriations Committee**.

By Senators Lee and Cooper:
**S.B. 1424**, a bill to appropriate funds to provide diagnostic and treatment services for children with craniofacial anomalies including cleft lip/palate.
Referred to **Appropriations Committee**.

By Senators Lee, Carpenter, Hoyle, Marshall, Martin of Pitt, Plexico, Simpson, Smith, and Speed:
**S.B. 1425**, a bill to extend the expiration of the requirement that just compensation be paid for the removal by local authorities of billboards on interstate and federal–aid primary highways, as required by federal law.
Referred to **Local Government and Regional Affairs Committee**.

By Senators Lee, Carpenter, Hartsell, Perdue, Smith, Ward, Warren, and Winner of Mecklenburg:
**S.B. 1426**, a bill to appropriate funds for a new facility for the School Leadership Academy.
Referred to **Appropriations Committee**.

By Senator Lee:
**S.B. 1427**, a bill to appropriate funds for the Educational Consortium at the University of North Carolina at Chapel Hill.
Referred to **Appropriations Committee**.

By Senators Albertson, Marshall, Speed, and Warren:
**S.B. 1428**, a bill to appropriate funds to the Department of Agriculture for mycotoxin research and testing.
Referred to **Appropriations Committee**.

By Senator Albertson:
**S.B. 1429**, a bill to appropriate funds to the Division of National Guard for capital construction at the National Guard Armory in Beulaville in Duplin County.
Referred to **Appropriations Committee**.

By Senators Albertson, Marshall, Speed, and Warren:
**S.B. 1430**, a bill to appropriate funds for biological pest control.
Referred to **Appropriations Committee**.

By Senators Albertson, Marshall, Speed, and Warren:
**S.B. 1431**, a bill to appropriate funds for the construction of a feed mill at the Cherry Farm Unit.
Referred to **Appropriations Committee**.

By Senators Albertson, Marshall, Speed, and Warren:
**S.B. 1432**, a bill to appropriate funds for animal health programs.
Referred to **Appropriations Committee**.

By Senators Albertson, Marshall, Speed, and Warren:

**S.B. 1433**, a bill to appropriate funds for a new faculty position at the College of Agriculture and Life Sciences at North Carolina State University in small horticultural crops.

Referred to **Appropriations Committee**.

By Senators Albertson, Gunter, Marshall, and Warren:

**S.B. 1434**, a bill to appropriate funds for a faculty position in soil science for the College of Agriculture and Life Sciences at North Carolina State University.

Referred to **Appropriations Committee**.

By Senators Albertson, Lee, Perdue, and Shaw:

**S.B. 1435**, a bill to appropriate funds to the Secretary of the Department of Environment, Health, and Natural Resources for the fisheries data information system established by the endorsement to sell saltwater fish.

Referred to **Appropriations Committee**.

By Senators Albertson, Lee, and Perdue:

**S.B. 1436**, a bill to create a separate crab license in Chapter 113 of the General Statutes, to establish a two–year moratorium on specified fishing licenses, and to appropriate funds to study the fishery during the moratorium.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Albertson, Lee, Perdue, and Shaw:

**S.B. 1437**, a bill to extend time for the resolution of claims to land under navigable waters.

Referred to **Agriculture, Marine Resources, and Wildlife Committee**.

By Senators Albertson, Jordan, Marshall, Speed, and Warren:

**S.B. 1438**, a bill to appropriate funds for capital improvements to Rollins Animal Disease Diagnostic Laboratory.

Referred to **Appropriations Committee**.

By Senator Odom:

**S.B. 1439**, a bill authorizing the Administrative Office of the Courts to issue a presumptive fee schedule for representation of indigent defendants in capital cases and to appropriate additional funds for that purpose.

Referred to **Finance Committe** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Odom:

**S.B. 1440**, a bill to appropriate funds to the Department of Correction for the study and development of a program to allow youths to gain an understanding of life as an inmate in the State prison system.

Referred to **Appropriations Committee**.

By Senator Tally:

**S.B. 1441**, a bill to appropriate funds to the Department of Labor for critically needed staff and equipment.

Referred to **Appropriations Committee**.

By Senator Kerr:

**S.B. 1442**, a bill to appropriate funds for the completion of a new Arts Center/Civic Center in Lenoir County.

Referred to **Appropriations Committee**.

By Senators Marshall, Cooper, Gunter, and Martin of Guilford:

**S.B. 1443**, a bill to appropriate funds for multidisciplinary training for child abuse and neglect investigations, as recommended by the Child Fatality Task Force.

Referred to **Appropriations Committee**.

By Senators Marshall, Cooper, Gunter, and Martin of Guilford:

**S.B. 1444**, a bill to appropriate funds for statistical support for child fatality prevention teams.

Referred to **Appropriations Committee**.

By Senators Marshall, Cooper, Gunter, and Martin of Guilford:

**S.B. 1445**, a bill to appropriate funds for comprehensive adolescent health centers.

Referred to **Appropriations Committee**.

By Senator Martin of Guilford:

**S.B. 1446**, a bill to to redirect the expenditure of a portion of the funds appropriated to the Board of Governors for North Carolina Agricultural and Technical State University for specified purposes.

Referred to **Appropriations Committee**.

By Senator Martin of Guilford:

**S.B. 1447**, a bill to appropriate funds for agricultural research and extension programs at North Carolina Agricultural and Technical State University.

Referred to **Appropriations Committee**.

By Senator Martin of Guilford:

**S.B. 1448**, a bill to appropriate funds for restoration projects at the Charlotte Hawkins Brown Memorial State Historic Site.

Referred to **Appropriations Committee**.

By Senators Martin of Guilford and Albertson:

**S.B. 1449**, a bill to appropriate funds to the Department of Agriculture for a full–time equal employment opportunity officer.

Referred to **Appropriations Committee**.

By Senator Martin of Guilford:

**S.B. 1450**, a bill to appropriate funds to enable Uplift, Inc., to assist North Carolina communities to better serve children and families.

Referred to **Appropriations Committee**.

By Senator Odom:

**S.B. 1451**, a bill requiring the Department of Environment, Health, and Natural Resources to study the feasibility of developing the Mountain Island Lake area as a regional State park.

Referred to **Appropriations Committee**.

By Senator Odom:

**S.B. 1452**, a bill to create the Drug Treatment Court Program.

Referred to **Judiciary II Committee** and upon a favorable report, re–referred to the **Finance Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Odom, Blackmon, and Albertson:

**S.B. 1453**, a bill to appropriate funds for construction and operation of an urban boot camp.

Referred to **Appropriations Committee**.

By Senators Sherron and Gunter:

**S.B. 1454**, a bill to appropriate funds for the Centennial Center at North Carolina State University.

Referred to **Appropriations Committee**.

By Senator Sherron:

**S.B. 1455**, a bill to appropriate funds.

Referred to **Appropriations Committee**.

By Senator Sherron:

**S.B. 1456**, a bill to appropriate funds.

Referred to **Appropriations Committee**.

By Senator Sherron:

**S.B. 1457**, a bill to appropriate funds to the Department of Agriculture for operation of the renovated Ballentine Building.

Referred to **Appropriations Committee**.

By Senators Sherron, Albertson, and Gunter:

**S.B. 1458**, a bill to increase the pay of substitute teachers.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriation Committee.**

By Senator Sherron:

**S.B. 1459**, a bill to appropriate funds to the Department of Agriculture for capital improvements at Constable Food and Drug Laboratory.

Referred to **Appropriations Committee**.

By Senators Sherron and Albertson:

**S.B. 1460**, a bill to appropriate funds to the Department of Agriculture for capital improvements to comply with the Americans With Disabilities Act.

Referred to **Appropriations Committee**.

By Senators Sherron and Albertson:

**S.B. 1461**, a bill to appropriate funds to the Department of Agriculture for data processing equipment and personnel for the Food and Drug Laboratory.

Referred to **Appropriations Committee**.

By Senators Lee and Winner of Mecklenburg:

**S.B. 1462**, a bill to appropriate funds to encourage the development of the interactive visual technologies industry in the State.

Referred to **Appropriations Committee**.

By Senator Lee:

**S.B. 1463**, a bill to appropriate funds to Chatham County to reimburse the County for the net cost of defending itself against efforts to site the low–level radioactive waste site in Chatham County.

Referred to **Appropriations Committee**.

By Senator Sherron:

**S.B. 1464**, a bill to appropriate funds to the Department of Administration for personnel needs in the State Property Office.

Referred to **Appropriations Committee**.

By Senators Speed and Marshall:

**S.B. 1465**, a bill to shorten the season for taking rabbits in Johnston County.

Referred to **Agriculture, Marine Resources, and Wildlife Committee**.

By Senator Speed:

**S.B. 1466**, a bill to appropriate funds for construction of a storage building at the food distribution warehouse in Butner.

Referred to **Appropriations Committee**.

By Senators Martin of Guilford, Cooper, and Marshall:

**S.B. 1467**, a bill to strengthen the requirements to have a child in a restraint system while operating a motor vehicle.

Referred to **Judiciary II Committee**.

By Senator Martin of Guilford:

**S.B. 1468**, a bill to create an Advisory Committee on Tourism at North Carolina sites highlighting African–American accomplishments and to appropriate funds to assist with renovation and equipment for the Civil Rights Memorial, Center, and Museum at Greensboro.

Referred to **Appropriations Committee**.

By Senators Johnson, Seymour, and Smith:

**S.B. 1469**, a bill to exempt from registration and the motor fuel tax vehicles registered in another state and operated temporarily in this State by a utility provider or its contractor for the purpose of restoration of utility services in an emergency outage as recommended by the Joint Legislative Utility Review Committee.

Referred to **Public Utilities Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Johnson, Seymour, and Smith:

**S.B. 1470**, a bill to change the time by which the North Carolina Utilities Commission and the Public Staff provide biennial natural gas service reports to the Joint Legislative Utility Review Committee, as recommended by the Joint Legislative Utility Review Committee.

Referred to **Public Utilities Committee.**

By Senators Johnson, Gunter, Seymour, and Smith:

**S.B. 1471**, a bill to provide an expedited procedure for creation of county water and sewer districts after failure of low–pressure pipe sewer systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee.

Referred to **Public Utilities Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Kerr:

**S.B. 1472**, a bill to appropriate funds to Lenoir Community College to conduct a study to ascertain the need for community college facilities in Greene County.

Referred to **Appropriations Committee**.

By Senators Kerr, Albertson, Cochrane, Hoyle, Marshall, and Winner of Buncombe:

**S.B. 1473**, a bill to address motor fuel tax evasion in cross–border shipments of fuel by requiring shipping documents issued by the seller of the fuel to the transporter of the fuel to include the destination state for the fuel, and to otherwise improve the State's ability to track shipments of motor fuel.

Referred to **Finance Committee**.

By Senator Kerr:

**S.B. 1474**, a bill to appropriate funds for the capital improvements at the University of North Carolina at Chapel Hill School of Law and for planning capital improvements at the Institute of Government.

Referred to **Appropriations Committee**.

By Senators Winner of Buncombe, Carpenter, and Plexico:

**S.B. 1475**, bill to appropriate funds for the Center for Improving Mountain Living.

Referred to **Appropriations Committee**.

By Senator Winner of Buncombe:

**S.B. 1476**, a bill to reduce publication costs to the State by authorizing the Codifier of Rules to provide for the publication of the North Carolina Administrative Code by contract with private business.

Referred to **Appropriations Committee**.

By Senator Edwards:

**S.B. 1477**, a bill to appropriate funds to the Board of Governors of the University of North Carolina for the construction of a fine arts building at Fayetteville State University.

Referred to **Appropriations Committee**.

By Senator Edwards:

**S.B. 1478**, a bill to appropriate funds to the Orange Street School Restoration and Historical Association in Fayetteville.

Referred to **Appropriations Committee**.

By Senator Kerr:

**S.B. 1479**, a bill to appropriate funds to Greene County for the construction of a facility to be used as a farmers market.

Referred to **Appropriations Committee**.

By Senators Ward, Gunter, Lee, Perdue, Smith, Warren, and Winner of Mecklenburg:

**S.B. 1480**, a bill to clarify the method by which noncertified public school employees are placed on a salary schedule.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Kaplan and Ward:

**S.B. 1481**, a bill to appropriate funds for capital improvements to and support of exhibit at the Old Salem Museum.

Referred to **Appropriations Committee**.

By Senator Kaplan:

**S.B. 1482**, a bill to make capital improvements appropriations for the 1994–95 Fiscal Year and to make other changes in the budget operations of the State.

Referred to **Capital Expenditures and Improvements Committee.**

By Senator Kaplan:

**S.B. 1483**, a bill to make capital improvements appropriations for the 1994–95 Fiscal Year and to make other changes in the budget operations of the State.

Referred to **Capital Expenditures and Improvements Committee.**

By Senator Kerr:

**S.B. 1484**, a bill to appropriate funds.

Referred to **Appropriations Committee.**

By Senator Kerr:

**S.B. 1485**, a bill to appropriate funds for a sports facility in Greene County.

Referred to **Appropriations Committee.**

By Senators Lucas and Gulley:

**S.B. 1486**, a bill to appropriate funds for the Durham Impact Program and the Coalition for Holistic Opportunities in Children's Education.

Referred to **Appropriations Committee.**

By Senators Lucas, Gulley, and Gunter:

**S.B. 1487**, a bill to appropriate funds to local "Crime Stoppers" Programs throughout the State.

Referred to **Appropriations Committee.**

By Senator Perdue:

**S.B. 1488**, a bill to appropriate funds to establish pilot projects for community rehabilitation programs.

Referred to **Appropriations Committee.**

By Senators Perdue and Gunter:

**S.B. 1489**, a bill to appropriate funds for the Division of Aging's home and community–based services.

Referred to **Appropriations Committee.**

By Senators Perdue and Gunter:

**S.B. 1490**, a bill to appropriate funds to provide teachers with the same longevity benefits as State employees.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Perdue and Gunter:

**S.B. 1491**, a bill to earmark funds for alternative learning programs under the Intervention/Prevention Grant Program.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Perdue:

**S.B. 1492**, a bill to appropriate funds for capital expenditures for vocational rehabilitation programs that provide Adult Developmental Activity Programs (ADAP) and vocational rehabilitation programs.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Perdue:

**S.B. 1493**, a bill to appropriate funds for the North Carolina Maritime Museum Exhibits Annex.

Referred to **Appropriations Committee.**

By Senator Perdue:

**S.B. 1494**, a bill to appropriate funds to the North Carolina State Ports Authority for a freezer facility at the State Port in Morehead City.

Referred to **Appropriations Committee**.

By Senators Perdue, Hartsell, Lee, Smith, Ward, Warren, and Winner of Mecklenburg:

**S.B. 1495**, a bill to define "supplant" in the supplemental funding formula for low–wealth and small school systems and to make changes to reporting requirements.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Perdue:

**S.B. 1496**, a bill to appropriate funds for projects in the Third Senate District.

Referred to **Appropriations Committee**.

By Senator Perdue:

**S.B. 1497**, a bill to appropriate funds for pilot programs to reduce class size in kindergarten through third grade.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Perdue:

**S.B. 1498**, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources for the Neuse River Basin treatment project.

Referred to **Appropriations Committee**.

By Senators Marshall and Cooper:

**S.B. 1499**, a bill to appropriate funds for ten regional child maltreatment resource centers, as recommended by the Child Fatality Task Force.

Referred to **Appropriations Committee**.

By Senators Daniel and Plyler:

**S.B. 1500**, a bill to modify the appropriations for current operations of State departments, institutions, and agencies; to make appropriations for other purposes and to make other changes in the budget operation of the State.

Referred to **Appropriations Committee**.

By Senator Daniel:

**S.J.R. 1501**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a joint resolution honoring the life and memory of Ralph Eugene Sadler, former educator.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Daniel, Albertson, and Plyler:

**S.B. 1502**, a bill to appropriate funds for low–wealth school system supplemental funding and small school system supplemental funding.

Referred to **Appropriations Committee**.

By Senator Daniel:

**S.B. 1503**, a bill to appropriate funds to provide relief for community water systems.

Referred to **Appropriations Committee**.

By Senators Daniel and Plyler:

**S.B. 1504**, a bill to modify continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes.

Referred to **Appropriations Committee**.

By Senators Daniel and Plyler:

**S.B. 1505**, a bill to modify the Current Operations Appropriations Act of 1993 and to make other changes in the budget operations of the State.

Referred to **Appropriations Committee**.

By Senators Daniel and Plyler:

**S.B. 1506**, a bill to modify the Capital Improvements Appropriations Act of 1993 and to make other changes in the budget operations of the State.

Referred to **Capital Expenditures and Improvements Committee.**

By Senators Cooper and Carpenter:

**S.B. 1507**, a bill to appropriate funds for a statewide coordinator for the Students Against Drunk Driving (SADD) Program.

Referred to **Appropriations Committee**.

By Senators Soles and Blackmon:

**S.B. 1508**, a bill to appropriate funds to a reserve for the acquisition of Bird Island.

Referred to **Appropriations Committee**.

By Senators Parnell and Albertson:

**S.B. 1509**, a bill to implement recommendations of North Carolina Sentencing and Policy Advisory Commission to provide for victim impact statements for presentation to the court, to order restitution to victims where appropriate, to make restitution a first priority, and to extend probation for the payment of restitution.

Referred to **Judiciary II Committee**.

By Senators Parnell and Albertson:

**S.B. 1510**, a bill to extend the life of the North Carolina Sentencing and Policy Advisory Commission and to continue the terms of the existing members.

Referred to **Appropriations Committee**.

By Senators Odom, Blackmon, Gulley, Hoyle, Johnson, Plexico, Plyler, Richardson, Sherron, and Winner of Mecklenburg:

**S.B. 1511**, a bill to provide for special registration plates for supporters of professional sports teams.

Referred to **Transportation Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Odom, Blackmon, Richardson, and Winner of Mecklenburg:

**S.B. 1512**, a bill to provide that the Department of Environment, Health, and Natural Resources institute a program whereby the Department is required to inspect each oil terminal facility in the State and monitor each facility to determine whether any oil has been discharged from an aboveground storage tank to the land, waters, or air of the State and to appropriate funds to the Department to implement this program.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Odom, Ballance, Folger, and Marshall:

**S.B. 1513**, a bill to increase salaries of certain judicial branch officers.

Referred to **Appropriations Committee**.

By Senators Odom, Ballance, Folger, and Marshall:

**S.B. 1514**, a bill to appropriate funds for the expansion of the Correction Enterprises Program.

Referred to **Appropriations Committee**.

By Senators Odom, Ballance, Folger, and Marshall:

**S.B. 1515**, a bill to appropriate funds for Harriet's House.

Referred to **Appropriations Committee**.

By Senators Odom, Richardson, and Winner of Mecklenburg:

**S.B. 1516**, a bill to appropriate funds to the North Carolina Legal Education Assistance Foundation for its Loan Repayment Assistance Program for North Carolina public service attorneys.

Referred to **Appropriations Committee**.

By Senators Gunter, Cooper, Forrester, Gulley, Perdue, Plexico, Seymour, and Sherron:

**S.B. 1517**, a bill to authorize the Commission for Health Services to adopt rules to minimize the risk of injury to children who use public swimming pools.

Referred to **Judiciary I Committee**.

By Senator Gunter:

**S.B. 1518**, a bill to appropriate funds to the Town of Cary to be used for planning a permanent facility for the Western Wake Senior Center.

Referred to **Appropriations Committee**.

By Senator Jordan:

**S.B. 1519**, a bill to appropriate funds to the Department of Crime Control and Public Safety to provide additional resources to the Crime Prevention Division.

Referred to **Appropriations Committee**.

By Senators Jordan and Kerr:

**S.B. 1520**, a bill to appropriate funds for grants to community development corporations for local development of depressed urban commercial areas.

Referred to **Appropriations Committee**.

By Senator Jordan:

**S.B. 1521**, a bill to appropriate funds for community development credit unions for lending partnerships to enhance economic development through minority business development.

Referred to **Appropriations Committee**.

By Senators Jordan and Soles:

**S.B. 1522**, a bill to establish the African–American Cultural Center Study Commission.

Referred to **Rules and Operations of the Senate Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Jordan:

**S.B. 1523**, a bill to appropriate funds to the Department of Crime Control and Public Safety to provide additional staff to the Alcohol Law Enforcement Division.

Referred to **Appropriations Committee**.

By Senator Jordan:

**S.B. 1524**, a bill to appropriate funds to the Department of Crime Control and Public Safety for additional staff in the Victim and Justice Services Division for the Community Service Program.

Referred to **Appropriations Committee**.

By Senator Jordan:

**S.B. 1525**, a bill to appropriate funds to the Department of Crime Control and Public Safety for the North Carolina Comprehensive Community Crime Reduction Initiative.

Referred to **Appropriations Committee**.

By Senators Jordan, Kerr, and Warren:

**S.B. 1526**, a bill to appropriate funds for renovation to allow the former Adkin School site to be used as a community center.

Referred to **Appropriations Committee.**

By Senators Kerr and Albertson:

**S.B. 1527**, a bill to repeal the intangibles tax and increase other taxes to provide revenues to reimburse local governments for the loss of the intangibles tax revenue.

Referred to **Finance Committee.**

By Senators Kerr, Albertson, Cooper, Gulley, Gunter, Hoyle, Jordan, Marshall, Martin of Pitt, Perdue, and Sherron:

**S.B. 1528**, a bill to establish the Civil War Corridor Commission and to appropriate funds for the Commission.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Ballance:

**S.B. 1529**, a bill to appropriate funds to the State Board of Education to establish the CHIPS Program in Hertford County, a pilot program to meet the specific instructional needs of students in an impoverished area whose population has an extremely low level of formal education.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Ballance:

**S.B. 1530**, a bill to appropriate funds to the County of Warren for a forest ranger position.

Referred to **Appropriations Committee.**

By Senator Ballance:

**S.B. 1531**, a bill to appropriate funds to continue the multijurisdictional drug task forces operating in certain northeastern North Carolina counties.

Referred to **Appropriations Committee.**

By Senator Soles:

**S.B. 1532**, a bill to appropriate funds to Columbus County for the Southeastern North Carolina Watermelon Festival at Fair Bluff.

Referred to **Appropriations Committee.**

By Senator Soles:

**S.B. 1533**, a bill to appropriate funds for construction of a facility for the aquaculture program at Brunswick Community College.

Referred to **Appropriations Committee.**

By Senator Soles:

**S.B. 1534**, a bill to appropriate funds to upgrade the computers and other teaching equipment at the Computer Laboratory at Southeastern Community College.

Referred to **Appropriations Committee.**

By Senator Soles:

**S.B. 1535**, a bill to authorize the Legislative Research Commission to study the feasibility of the Markham Project at Southport in Brunswick County.

Referred to **Appropriations Committee.**

By Senator Soles:

**S.B. 1536**, a bill to appropriate funds for the North Carolina Academy of Performing Arts.

Referred to **Appropriations Committee**.

By Senator Soles:

**S.B. 1537**, a bill to appropriate funds to recover tires from the ocean that have broken away from an artificial reef placed by the Division of Marine Fisheries, Department of Environment, Health, and Natural Resources off the coast of Brunswick County.

Referred to **Appropriations Committee**.

By Senators Soles and Albertson:

**S.B. 1538**, a bill to establish a Beaver Management Assistance Program available to all counties experiencing beaver damage, to authorize the Wildlife Resources Commission to collect fees from participants receiving services under the Program, to establish the Beaver Management Assistance Program Advisory Board, and to appropriate funds to implement the Program.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re–referred to the **Finance Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Winner of Mecklenburg:

**S.B. 1539**, a bill to require criminal history checks of public school personnel.

Referred to **Judicial II Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Albertson:

**S.B. 1540**, a bill to repeal the statutes limiting tobacco warehouse charges.

Referred to **Agriculture, Marine Resources, and Wildlife Committee**.

By Senator Jordan:

**S.B. 1541**, a bill to appropriate funds to increase the daily reimbursement rate for family care homes.

Referred to **Appropriations Committee**.

By Senators Martin of Pitt and Jordan:

**S.B. 1542**, a bill to appropriate funds to the Rural Economic Development Center, Incorporated, for job training in Eastern North Carolina.

Referred to **Appropriations Committee**.

By Senators Winner of Mecklenburg and Cooper:

**S.B. 1543**, a bill appropriate funds for juvenile intensive services, as recommended by the Child Fatality Task Force.

Referred to **Appropriations Committee**.

By Senators Lee and Walker:

**S.B. 1544**, a bill to appropriate funds to supplement the Center for the Book.

Referred to **Appropriations Committee**.

By Senators Plyler and Carpenter:

**S.B. 1545**, a bill to increase the amount and number of educational assistance grants available to members of the North Carolina National Guard and to appropriate funds to the Department of Crime Control and Public Safety for that purpose.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Plyler:

**S.B. 1546**, a bill to appropriate funds for the repair of the National Guard armory.

Referred to **Appropriations Committee**.

By Senator Plyler:

**S.B. 1547**, a bill to appropriate funds to State and non–State entities for the 1994–95 Fiscal Year for various public purposes.

Referred to **Appropriations Committee**.

By Senator Plyler:

**S.B. 1548**, a bill to appropriate funds to State and non–State entities for the 1994–95 fiscal year.

Referred to **Appropriations Committee**.

By Senator Plyler:

**S.B. 1549**, a bill to appropriate funds for the 1994–95 fiscal year for various public purposes.

Referred to **Appropriations Committee**.

By Senator Perdue:

**S.B. 1550**, a bill to appropriate funds to the Department of Cultural Resources for James City Historical Site.

Referred to **Appropriations Committee**.

By Senator Perdue:

**S.B. 1551**, a bill to appropriate funds for the development of the National Marine Air Museum as a tourist attraction.

Referred to **Appropriations Committee**.

By Senators Warren and Martin of Pitt:

**S.B. 1552**, a bill to appropriate funds for capital improvements to the Medical School at East Carolina University.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Warren and Carpenter:

**S.B. 1553**, a bill to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Workers' Pension Fund and to provide members of that Pension Fund with the same cost of living increase as that provided to members of the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Warren:

**S.B. 1554**, a bill to limit, when a creditor seeks to enforce a judgment against a debtor, the current exemption extended to the debtor for compensation the debtor received for personal injury or for the death of one upon whom the debtor was dependent.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Perdue:

**S.B. 1555**, a bill to grant the dependent relatives of certain civilian employees of the military involuntarily transferred to this State in–state tuition at constituent institutions of the University of North Carolina and at campuses of the North Carolina Community College System.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Perdue:

**S.B. 1556**, a bill to appropriate funds for Pamlico County water erosion control project and to draw down federal funds for this project.

Referred to **Appropriations Committee**.

By Senator Perdue:

**S.B. 1557**, a bill to decelerate downdrift erosion of the beaches that results from dredging operations by requiring sand to be placed on the downdrift beaches and to appropriate funds for various water resource development projects.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Perdue:

**S.B. 1558**, a bill to authorize the issuance of twenty–three million nine hundred thousand dollars of community college bonds or notes and to appropriate the proceeds of these bonds and notes for specific community college capital projects in accordance with the recommendations of the Legislative Study Commission on Community College Capital Needs.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re–referred to the **Finance Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Perdue:

**S.B. 1559**, a bill to permit public school children twelve years of age or older to attend community college under certain circumstances.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Perdue:

**S.B. 1560**, a bill to appropriate funds to complete funding of the school–based administrator salary schedule.

Referred to **Appropriations Committee**.

By Senator Perdue:

**S.B. 1561**, a bill to expand the State ports tax credit.

Referred to **Finance Committee**.

By Senator Plexico:

**S.B. 1562**, a bill to modify the distribution of profits from the ABC system in the City of Hendersonville.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Plexico, Ballance, Gulley, Gunter, and Winner of Mecklenburg:

**S.B. 1563**, a bill to require that information to be reported concerning campaign contributors shall include occupation, employer's name, and business address; and to prohibit sale or use of campaign finance reports for solicitation or commercial purposes.

Referred to **Constitution and Election Laws Committee**.

By Senators Plexico, Ballance, Gulley, Gunter, and Winner of Mecklenburg:

**S.B. 1564**, a bill to amend the campaign laws to eliminate the difference in postprimary reporting by nominees and primary losers.

Referred to **Constitution and Election Laws Committee**.

By Senators Plexico, Ballance, Gulley, Gunter, and Winner of Mecklenburg:

**S.B. 1565**, a bill to change the limitations period for violations of the campaign contributions and expenditures laws.

Referred to **Judiciary II Committee**.

By Senators Lee, Hoyle, Marshall, Martin of Pitt, Plexico, Simpson, Smith, and Speed:

**S.B. 1566**, a bill to provide for uniform drivers license and vehicle registration information.

Referred to **Transportation Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Sands:

**S.B. 1567**, a bill to appropriate funds to the Department of Crime Control and Public Safety to acquire a new fire truck and related emergency equipment for Butner Public Safety.

Referred to **Appropriations Committee**.

By Senator Sands:

**S.B. 1568**, a bill to appropriate funds to the Department of Crime Control and Public Safety to provide four additional officers for Butner Public Safety.

Referred to **Appropriations Committee**.

By Senator Sands:

**S.B. 1569**, a bill to appropriate funds to the Department of Crime Control and Public Safety to provide funds for increased rent for the offices of the Alcohol Law Enforcement Division.

Referred to **Appropriations Committee**.

By Senators Kaplan and Edwards:

**S.B. 1570**, a bill to encourage regional cooperation in economic development through the North Carolina Partnership for Regional Economic Development and to appropriate funds for regional economic development partnerships.

Referred to **Economic Development/Travel and Tourism Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Tally:

**S.B. 1571**, a bill to authorize application fees for permits for private sanitary landfills and to appropriate funds to establish and support positions in the Solid Waste Section, Division of Solid Waste Management, Department of Environment, Health, and Natural Resources.

Referred to **Finance Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Seymour:

**S.B. 1572**, a bill to appropriate funds for the 1994–95 Fiscal Year for the Randleman Dam.

Referred to **Appropriations Committee**.

By Senators Lee, Hartsell, Perdue, Smith, Ward, Warren, and Winner of Mecklenburg:

**S.B. 1573**, a bill to make permanent the Fiscal Accountability and Flexibility Act, to modify its reporting requirements, and to increase the on–campus purchasing benchmark to fifty thousand dollars.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Martin of Pitt:

**S.B. 1574**, a bill to appropriate funds to increase the local matching funds for soil and water conservation districts.

Referred to **Appropriations Committee.**

By Senator Plyler:

**S.B. 1575**, a bill to appropriate funds to non–State entities for public purposes.

Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

**S.B. 1576**, a bill to appropriate funds for a new Guilford County juvenile detention facility.

Referred to **Appropriations Committee.**

By Senator Winner of Mecklenburg:

**S.B. 1577**, a bill to amend the laws regarding textbooks and other instructional materials adopted by the State for use in the public schools and to appropriate funds for the evaluation of textbooks by the Textbook Commission.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Lee and Walker:

**S.B. 1578**, a bill to appropriate funds to Chatham County to reimburse the County for the net cost of defending itself against efforts to site the low–level radioactive waste site in Chatham County.

Referred to **Appropriations Committee.**

By Senators Lee, Hoyle, Marshall, Martin of Pitt, Plexico, Simpson, Smith, and Speed:

**S.B. 1579**, a bill to make technical, conforming, and administrative changes to the motor vehicle laws and other laws concerning the Department of Transportation.

Referred to **Transportation Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Sherron:

**S.B. 1580**, a bill to increase the retirement formula with an adjusting increase to retirees of the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Sherron:

**S.B. 1581**, a bill to provide an increase to retirees of the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Ballance:

**S.B. 1582**, a bill to appropriate funds to certain organizations in Halifax County for public purposes.

Referred to **Appropriations Committee.**

By Senator Gulley:

**S.B. 1583**, a bill to appropriate funds for a fire truck for the Butner Public Safety Division.

Referred to **Appropriations Committee.**

By Senator Gulley:
**S.B. 1584**, a bill to appropriate funds to improve the Butner sewage treatment facility.
Referred to **Appropriations Committee**.

By Senator Walker:
**S.B. 1585**, a bill appropriate funds to help expand North Carolina's statewide revolving fund for historic preservation.
Referred to **Appropriations Committee**.

By Senator Daniel:
**S.B. 1586**, a bill to appropriate funds to State and nonstate entities for the 1994–95 Fiscal Year for public purposes.
Referred to **Appropriations Committee**.

By Senator Daniel:
**S.B. 1587**, a bill to appropriate funds for various public purposes.
Referred to **Appropriations Committee**.

By Senators Daniel and Plyler:
**S.B. 1588**, a bill to appropriate funds to the Department of Labor for the establishment of an ergonomics resource center.
Referred to **Appropriations Committee**.

By Senator Daniel:
**S.B. 1589**, a bill to appropriate funds to the State Board of Education to establish the CHIPS Program in Hertford County, a pilot program to meet the specific instructional needs of students in an impoverished area whose population has an extremely low level of formal education.
Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Daniel:
**S.B. 1590**, a bill to appropriate funds for the 1994–95 Fiscal Year for court mediation in cases affecting children.
Referred to **Appropriations Committee**.

By Senator Daniel:
**S.B. 1591**, a bill to appropriate funds for guardians ad litem for children.
Referred to **Appropriations Committee**.

By Senator Daniel:
**S.B. 1592**, a bill to appropriate funds for a center for children.
Referred to **Appropriations Committee**.

By Senator Daniel:
**S.B. 1593**, a bill to appropriate funds for programs at North Carolina State University supporting traditional industries in North Carolina.
Referred to **Appropriations Committee**.

On motion of Senator Basnight, seconded by Senator Sands, the Senate adjourns at 12:10 P.M. to meet tomorrow, Thursday, May 26, at 11:00 A.M.

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# ONE HUNDRED TWELFTH DAY

SENATE CHAMBER,
Thursday, May 26, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God of our Souls, the calendar is full and the schedule is already quite hectic for the Lieutenant Governor, Senators, and staff.

"Grant to them at this time a sacred and peaceful moment of quiet as they take up the duties of the day. Turn their thoughts to You that they may have wisdom in their decisions, love in their attitudes, and mercy in their judgments.

"And when this moment of silence is over, may they remain dependent on You and seek Your Counsel for the rest of this day. Amen."

Senator Soles, for the **Rules and Operation of the Senate Committee**, announces the Journal of yesterday, Wednesday, May 25, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Jordan, who is ill and to Senator Warren who is attending to business matters in his district.

## REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Pensions and Retirement Committee**:

**S.B. 1311**, a bill to change the method for calculating the reduction for early retirement in the Teachers' and State Employees' Retirement System; to increase the retirement formula with an adjusting increase to retirees of the Teachers' and State Employees' Retirement System and of the Local Governmental Employees' Retirement System; and to provide an increase to retirees of the Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System, the Legislative Retirement System and the Judicial Retirement System, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 1310**, a bill to include expense allowances as compensation under the Legislative Retirement System, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re–referred to the **Appropriations Committee**.

## INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Kincaid and Simpson:
**S.J.R. 1594**, a joint resolution authorizing the 1993 General Assembly, 1994 Regular Session, to consider a bill to be entitled an act to provide that the regulation of water supply watersheds does not apply to certain watersheds.
Referred to **Environment and Natural Resources Committee** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Kincaid and Simpson:
**S.B. 1595**, a bill to allow Avery County to acquire property for use by the County Board of Education.
Referred to **Local Government and Regional Affairs Committee**.

By Senators Speed, Albertson, Cochrane, Hoyle, Shaw and Warren:
**S.B. 1596**, a bill to provide governmental accountability and protection to the taxpayers by limiting increases in the General Fund budget, reforming the budget process, establishing a Rainy Day Emergency Reserve Trust Fund, and appropriating funds to the Savings Reserve Account.
Referred to **Ways and Means Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Warren, Albertson, Conder, and Martin of Pitt:
**S.B. 1597**, a bill to appropriate funds for the East Carolina University Life Sciences Building expansion.
Referred to **Appropriations Committee**.

By Senators Warren, Albertson, Jordan, and Kerr:
**S.B. 1598**, a bill to appropriate funds to the North Carolina Global TransPark Authority.
Referred to **Appropriations Committee**.

By Senators Warren, Jordan, and Kerr:
**S.B. 1599**, a bill to appropriate funds for the completion of a new Arts Center/Civic Center in Lenoir County.
Referred to **Appropriations Committee**.

By Senators Warren, Hartsell, Lee, Perdue, Smith, Ward, and Winner of Mecklenburg:
**S.B. 1600**, a bill to exempt students who take more than fifteen hours per regular term and who graduate on time from the UNC tuition surcharge imposed on students who take excessive time to complete degree requirements.
Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Warren and Martin of Pitt:
**S.B. 1601**, a bill to appropriate funds for the construction of a State Highway Patrol Troop "A" headquarters complex in Greenville, North Carolina.
Referred to **Appropriations Committee**.

By Senator Warren:
**S.J.R. 1602**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to limit, when a creditor seeks to enforce

a judgment against a debtor, the current exemption extended to the debtor for compensation the debtor received for personal injury or for the death of one upon whom the debtor was dependent.

Referred to **Judiciary II Committee** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Warren and Martin of Pitt:

**S.B. 1603**, a bill to appropriate funds for the establishment of a regional mediation center in Pitt County for service to Eastern North Carolina.

Referred to **Appropriations Committee**.

By Senator Warren and Martin of Pitt:

**S.B. 1604**, a bill to appropriate funds for a forestry headquarters building in Pitt County.

Referred to **Appropriations Committee**.

By Senators Warren, Albertson, Kerr, and Parnell:

**S.B. 1605**, a bill to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Workers' Pension fund.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Albertson and Jordan:

**S.B. 1606**, a bill to appropriate funds to Onslow County to conduct a feasibility study on an agriculture multipurpose facility.

Referred to **Appropriations Committee**.

By Senators Ward, Seymour, and Tally:

**S.B. 1607**, a bill to appropriate funds to the North Carolina School of the Arts for an orchestra performance tour.

Referred to **Appropriations Committee**.

By Senator Perdue:

**S.B. 1608**, a bill to appropriate funds to the Department of Cultural Resources for the Disosway House in Craven County.

Referred to **Appropriations Committee**.

By Senator Daniel:

**S.B. 1609**, a bill to change the season for taking foxes in Caswell County.

Referred to **Agriculture, Marine Resources, and Wildlife Committee**.

By Senator Soles:

**S.B. 1610**, a bill to appropriate funds for the Waccamaw River Basin Study.

Referred to **Appropriations Committee**.

By Senator Cooper:

**S.B. 1611**, a bill to regulate lead abatement in accordance with federal law.

The bill is ordered held in the Office of the Principal Clerk for receipt of an assessment report, pursuant to G.S. 120–149.

By Senators Plexico, Gulley, Gunter, Lucas, Smith, and Winner of Mecklenburg:

**S.B. 1612**, a bill to amend the election campaign laws to limit the exemption from reporting the names of small contributors so that it applies only to contributors who are individuals.

Referred to **Constitution and Election Laws Committee**.

By Senator Kincaid:
**S.B. 1613**, a bill to appropriate funds to Mitchell County for assistance for a recycling center in the Spruce Pine area.
Referred to **Appropriations Committee**.

By Senator Sherron:
**S.B. 1614**, a bill to appropriate funds to provide education regarding AIDS in North Carolina.
Referred to **Appropriations Committee**.

By Senator Warren and Martin of Pitt:
**S.B. 1615**, a bill to appropriate funds for design of the Life Sciences Building at the Medical School at East Carolina University.
Referred to **Appropriations Committee**.

## RECALL FROM COMMITTEE

**S.B. 829** (House Committee Substitute), a bill to transfer the North Carolina State Museum of Natural Sciences and its Advisory Commission from the Department of Agriculture to the Department of Environment, Health, and Natural Resources and to conform various statutory references to that Museum, referred to **State Personnel and State Government Committee** on May 25.

Pursuant to Rule 47(b), Senator Johnson offers a motion that the House Committee Substitute be recalled from the **State Personnel and State Government Committee** and placed on the Calendar for the next legislative day for concurrence in the House Committee Substitute bill, which motions prevail.

The Chair orders the House Committee Substitute bill taken from the **State Personnel and State Government Committee** and placed on the Calendar for the next legislative day for concurrence in the House Committee Substitute bill.

**S.B. 1378**, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects, or supplements to capital improvements projects, of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, referred to the **Capital Expenditures and Improvements Committee** on May 25.

Pursuant to Rule 47(b), Senator Kaplan offers a motion that the bill be recalled from the **Capital Expenditures and Improvements Committee** and referred to the **Finance Committee**, which motions prevail.

The Chair orders the bill taken from the **Capital Expenditures and Improvements Committee** and referred to the **Finance Committee**.

## REPORT TO GENERAL ASSEMBLY

The Office of the Governor, James B. Hunt, Jr., submits a Report on the North Carolina Information Highway Project *(See Appendix)* which is ordered placed on file in the Legislative Library.

On motion of Senator Basnight, seconded by Senator Sands, the Senate adjourns at 11:29 A.M. to meet tomorrow, Friday, May 27, at 11:00 A.M.

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# ONE HUNDRED THIRTEENTH DAY

SENATE CHAMBER,
Friday, May 27, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Honorable Ollie Harris, Senator from Cleveland County.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Thursday, May 26, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Carpenter, who is attending the graduation of his granddaughter from West Point Academy; to Senator Forrester, who is covering his medical practice; to Senator Jordan, due to illness; to Senator Winner of Buncombe, whose presence is required in court; to Senator Folger, and to Senator Plexico.

## REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kaplan, Vice–Chairman for Senator Winner of Buncombe, Chairman, for the **Finance Committee:**

**H.B. 233** (Committee Substitute No. 2), a bill to require licensure of marriage and family therapists, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill 9394.

On motion of Senator Kaplan, the rules are suspended, and the Senate Committee Substitute bill 9394 is placed before the Senate for immediate consideration, and on his further motion is adopted. With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for the next legislative day, for further consideration upon its passage.

## INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Sands:

**S.J.R. 1616**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to make technical changes in G.S. 58–57–100 to further define automobile physical damage insurance and to make a conforming change.

Referred to **Insurance Committee** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

Pursuant to Rule 47(b), Senator Parnell offers a motion that the joint resolution be recalled from the **Insurance Committee** and re–referred to the **Rules and Operation of the Senate Committee**, which motions prevail with unanimous consent.

The Chair orders the joint resolution taken from the **Insurance Committee** and re–referred to the **Rules and Operation of the Senate Committee**.

Pursuant to Rule 47(b), Senator Sands offers a motion that the joint resolution be recalled from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration, which motions prevail with unanimous consent.

The Chair orders the joint resolution taken from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration upon its passage.

The joint resolution passes its second (30–0) and third readings and is ordered sent to the House of Representatives.

By Senators Hoyle, Lee, Martin of Pitt, and Smith:

**S.B. 1617**, a bill to allow a ten percent weight tolerance for vehicles transporting unprocessed forest products upon payment of a fee.

Referred to **Finance Committee.**

By Senators Hoyle, Lee, Martin of Pitt, and Smith:

**S.B. 1618**, a bill to limit penalties for multiple violations of single–axle, tandem–axle, and axle group weight limits.

Referred to **Transportation Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Winner of Buncombe, Cochrane, Hoyle, Kerr, and Marshall:

**S.B. 1619**, a bill to update the reference to the Internal Revenue Code used in determining certain taxable income and tax exemptions and to resolve an unintended conflict between the statute of limitations for certain tax refunds and the law allowing deductions for carrybacks, bad debts, and worthless securities.

Referred to **Finance Committee.**

By Senators Winner of Buncombe, Albertson, Allran, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Sands, Sherron, Simpson, Smith, Soles, Speed, Walker, Ward, Warren, and Winner of Mecklenburg:

**S.B. 1620**, a bill to repeal the intangibles tax, to reimburse counties and cities for the resulting revenue loss, to repeal existing income tax preferences for North Carolina dividends, to increase the franchise tax, and to levy a one percent tax on income from intangibles.

Referred to **Finance Committee.**

By Senator Walker:

**S.B. 1621**, a bill to create the North Carolina Early Childhood Facilities Development Fund.

Referred to **Appropriations Committee**.

By Senators Albertson, Conder, Hoyle, Kerr, Lee, Lucas, Martin of Guilford, Parnell, Speed, and Winner of Buncombe.

**S.J.R. 1622**, a joint resolution proclaiming Smokey Bear Day.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Conder and Plyler:

**S.B. 1623**, a bill to change the audits of ABC profits of the Hamlet Board of Alcoholic Control from quarterly to annually.

Referred to **Local Government and Regional Affairs Committee**.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 829** (House Committee Substitute), a bill to transfer the North Carolina State Museum of Natural Sciences and its Advisory Commission from the Department of Agriculture to the Department of Environment, Health, and Natural Resources and to conform various statutory references to that Museum, for concurrence in the House Committee Substitute bill.

With unanimous consent, Senator Sands offers a motion to the end the House Committee Substitute bill, be re–referred to the **Rules and Operations of Senate Committee**, which motion prevails.

The Chair refers the measure to the **Rules and Operation of the Senate Committee**.

## INTRODUCTION

Senator Albertson offers a motion to the end Rule 40 be suspended to allow the introduction of the following resolution, which motion prevails by a two–thirds majority vote.

The Senate simple resolution is presented to the Senate, read, and disposed of as follows:

By Senator Albertson:

**S.R. 1625**, a Senate simple resolution memorializing Congress to propose an amendment to the United States Constitution providing the States the power to prohibit the physical desecration of the United States Flag.

On motion of Senator Sands, the resolution is placed before the Senate for immediate consideration, and on his further motion the measure is read in its entirety.

On motion of Senator Sands, the Senate simple resolution is adopted. *(The text of this resolution appears in the Appendix.)*

## ADDITIONAL ENDORSEMENT

Senator Ballantine requests to be recorded endorsing a bill previously introduced as follows:

**S.B. 1596**, a bill to provide governmental accountability and protection to the taxpayers by limiting increases in the General Fund budget, reforming the budget process, establishing a Rainy Day Emergency Reserve Trust Fund, and appropriating funds to the Savings Reserve Account.

On motion of Senator Basnight, seconded by Senator Harris, the Senate adjourns at 11:36 A.M., in memory of United States Veterans who sacrificed their lives for their Country, to meet Tuesday, May 31, at 1:30 P.M.

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# ONE HUNDRED FOURTEENTH DAY

SENATE CHAMBER,
Tuesday, May 31, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Hope, there are great goals which we intend to accomplish this week, but a thousand small tasks must be completed to get us there.

"We pray that You will make Yourself present even in the trivial that we may be patient, loving, and persevere.

"Remind us, O Lord, that our prayers are not always answered when we are given what we ask, but when we are challenged to be what we can be.

"To Your Glory, we pray. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Friday, May 27, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Seymour and to Senator Allran.

## CALENDAR

**H.B. 233** (Senate Committee Substitute), a bill to require licensure of marriage and family therapists, upon second reading.

With unanimous consent, on motion of Senator Perdue, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Perdue, consideration of the Senate Committee Substitute bill is postponed until Thursday, June 2.

## INTRODUCTION OF BILLS AND RESOLUTIONS

A bill and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Perdue:

**S.J.R. 1624**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to transfer the North Carolina State Ports Authority to the Department of Transportation and to abolish the North Carolina Ports Railway Commission.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable reeport, re–referred to the **Rules and Operation of the Senate Committee**.

By Senator Sherron:

**S.B. 1626**, a bill to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Worker's Pension Fund.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re–referred to the **Appropriations Committee**.

## APPOINTMENT BY THE GOVERNOR

The President directs the Reading Clerk to read:

**STATE OF NORTH CAROLINA**
OFFICE OF THE GOVERNOR
RALEIGH 27603–8001

May 23, 1994

The Honorable Dennis Wicker
Lieutenant Governor
State Capitol
Raleigh, NC 27601

The Honorable Dan Blue
Speaker of the House
Legislative Building
Raleigh, NC 27601–1096

The Honorable Marc Basnight
President *Pro Tempore*
Legislative Building – Room 2007
Raleigh, NC 27601–2808

*Gentlemen:*

Pursuant to G.S. Section 143B–426.37, this letter is to submit the name of Edward Renfrow of Johnston County as State Controller. As you are aware, Ed has served in that position since last summer and is doing an outstanding job.

I ask that you approve Mr. Renfrow's appointment during this year's legislative session. Thank you for your consideration of this request.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
*Governor*

Referred to **State Personnel and State Government Committee**.

## REMOVAL OF ENDORSEMENT

The President directs the Reading Clerk to read:

**NORTH CAROLINA GENERAL ASSEMBLY**

State Chamber
State Legislative Office Building
Raleigh 27601–2808

May 31, 1994

Sylvia Fink
Principal Clerk
N.C. Senate

*Dear Ms. Fink:*

I am requesting that my name be taken off as a sponsor of Senate Bill #1311 entitled, "Increase Retirement Benefits," sponsored by Senator Ollie Harris.

Thank you.

Sincerely,

S/Linda
*Senator Linda Gunter*

## REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report *(See Appendix)* which is ordered placed on file in the Legislative Library, as follows:

The North Carolina Department of Revenue, along with the Office of the State Controller, and the Office of State Budget and Management, submits the *State of North Carolina Summary of Financial Condition, April 30, 1994*.

## RECALL FROM COMMITTEE

**H.B. 1029**, a bill to simplify the licensing requirements for certain pesticide applicators, referred to the **Rules and Operation of the Senate Committee** on July 23, 1993.

Pursuant to Rule 47(b) Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Agriculture, Marine Resources, and Wildlife Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–ferrs it to the **Agriculture, Marine Resources, and Wildlife Committee**.

**S.B. 101** (Committee Substitute), a bill to make the limitations placed on the employment of spouses of the Board of Governors of the University of North Carolina more equitable, referred to **Rules and Operation of the Senate Committee** on July 14, 1993.

Pursuant to Rule 47(b), Senator Sands offers a motion that the Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar for Thursday, June 2, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for Thursday, June 2, for consideration upon its passage.

**S.B. 1512**, a bill to provide that the Department of Environment, Health, and Natural Resources institute a program whereby the Department is required to inspect each oil terminal facility in the State and monitor each facility to determine whether any oil has been discharged from an aboveground storage tank to the land, waters, or air of the State and to appropriate funds to the Department to implement this program, referred to **Environment and Natural Resources Committee** on May 25.

Pursuant to Rule 47(b), Senator Tally offers a motion that the bill be recalled from the **Environment and Natural Resources Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Environment and Natural Resources Committee** and re–refers it to the **Appropriations Committee**.

On motion of Senator Basnight, seconded by Senator Odom, the Senate adjourns at 2:02 P.M. to meet tomorrow, Wednesday, June 1, at 11:00 A.M.

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## ONE HUNDRED FIFTEENTH DAY

SENATE CHAMBER,
Wednesday, June 1, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with a quote from *The Bible*, "Matthew 17:20," as follows:

"Some days, O Lord, our agendas are like mountains and our task is to move those mountains."

"Though our first inclination might be to contract the moving to a demolition crew and bulldozer, we might well be reminded of Your Words:

> If you have faith as a grain of mustard seed, you will say to the mountain, 'Move from here to there and it will move; and nothing will be impossible to you.'

"Prayer was never intended to be a substitute for hard work, O God, but what we pray for makes moving mountains much easier. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, May 31, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Smith, who is attending a Department of Transportation meeting; to Senator Martin of Pitt and to Senator Seymour.

### INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Odom:

**S.B. 1627**, a bill to establish the First Flight Centennial Commission to commemorate the centennial of the first powered flight.

Referred to **Appropriations Committee**.

By Senators Speed, Hoyle, Lee, Marshall, Martin of Pitt, Plexico, Simpson, and Smith:

**S.B. 1628**, a bill clarifying that a motor vehicle operating lease that contains a terminal rental adjustment clause is not a sale and does not create a security interest in the leased property.

Referred to **Finance Committee**.

By Senator Warren:

**S.J.R. 1629**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to amend the Constitution of North Carolina to establish rights for victims of crimes.

Referred to **Constitution and Election Laws Committee** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Parnell:

**S.B. 1630,** a bill to make technical corrections and to make clarifying and conforming changes to various criminal statutes, and to repeal various criminal laws that are obsolete or redundant.

Referred to **Judiciary I Committee**.

By Senators Blackmon and Carpenter:

**S.B. 1631,** a bill to provide standards for use by local governments in the review of applications for permits or for substantial amendments to permits for sanitary landfills in order to ensure that local government review of permit applications meets Constitutional requirements, as recommended by the Environmental Review Commission.

Pursuant to Resolution 31, the Chair orders the bill held in the Office of the Principal Clerk for ratification of enabling legislation.

By Senators Winner of Buncombe and Hyde:

**S.B. 1632**, a bill to incorporate into the Charter of the City of Asheville an agreement making a full and final settlement of disputed matters relating to the amount of franchise tax due the City by two public utilities.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Kincaid, Blackmon, Cochrane, and Simpson:

**S.B. 1633**, a bill to reduce the title certificate fee for transfers within a family.

Referred to **Finance Committee**.

By Senators Kincaid, Blackmon, Carpenter, Cochrane, and Simpson:

**S.B. 1634**, a bill to reduce the fee for the issuance of a motor vehicle title.

Referred to **Finance Committee**.

By Senator Perdue:

**S.B. 1635**, a bill to ensure that North Carolina consumers have equal access to consumer products and to levy a license tax on North Carolina businesses that do a majority of their business through telemarketing.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Cochrane, Allran, Ballantine, Blackmon, Carpenter, Forrester, Hartsell, Kincaid, Shaw, Simpson, and Smith:

**S.B. 1636**, a bill to phase out the intangibles tax over three years, to exempt stock that is not publicly traded from the tax, to repeal existing income tax preferences for North Carolina dividends, and to reimburse local governments for their lost intangibles tax revenue.

Referred to **Finance Committee**.

By Senators Hartsell, Allran, Ballantine, Blackmon, Carpenter, Cochrane, Forrester, Kincaid, Shaw, Simpson, and Smith:

**S.B. 1637**, a bill to lower the corporate income tax to seven percent.

Referred to **Finance Committee**.

By Senators Blackmon and Carpenter:

**S.B. 1638**, a bill to encourage the voluntary remediation of contaminated sites, as recommended by the Environmental Review Commission.

Referred to **Environment and Natural Resources Committee**.

By Senators Blackmon and Carpenter:

**S.B. 1639**, a bill to encourage the performance of environmental audits and similar environmental self–assessments by providing limited protection against the misuse of audits by circumscribing their disclosure, and also by providing limited protections for companies who act diligently to correct previously unknown deficiencies discovered during the auditing or assessment process, as recommended by the Environmental Review Commission.

Referred to **Environment and Natural Resources Committee**.

By Senator Marshall:

**S.B. 1640**, a bill to establish the Medicaid Estate Recovery Plan as required by the federal Omnibus Budget Reconciliation Act of 1993 and to appropriate funds.

Referred to **Appropriations Committee**.

By Senator Walker:

**S.B. 1641**, a bill to clarify that all data except effluent or emission data is entitled to protection as a trade secret pursuant to G.S. 132–1.2, as recommended by the Environmental Review Commission.

Referred to **Judiciary II Committee.**

By Senators Gulley and Lucas:

**S.B. 1642,** a bill to authorize the City of Durham to collect delinquent water and sewer fees resulting from leaking pipes or fixtures in the same manner as property taxes.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Albertson and Parnell:

**S.B. 1643**, a bill to allow Sampson County to acquire property for use by Sampson Community College and to authorize the Sampson Community College Board of Trustees to convey property to the County in connection with improvement and repair of the property.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Albertson:

**S.B. 1644,** a bill to increase the term of office for the Mayor of Salemburg from two to four years.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Albertson, Ballantine, and Jordan:

**S.B. 1645,** a bill to establish a season for hunting and trapping foxes in Pender County.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senators Conder, Albertson, and Plyler:

**S.B. 1646,** a bill to remove the sunset on the law allowing Richmond and Sampson Counties to acquire property for use by the County Boards of Education, and to authorize local boards of education in or for Sampson County to convey property to the County in connection with improvement and repair of the property.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Walker:

**S.B. 1647,** a bill to make clarifying, conforming, and technical changes to various laws relating to environment, health, and natural resources, as recommended by the Environmental Review Commission.

Referred to **Environment and Natural Resources Committee.**

By Senators Tally and Edwards:

**S.B. 1648,** a bill to modify the provisions of the Charter of the City of Fayetteville concerning fair housing.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Smith, Cochrane, and Hartsell:

**S.B. 1649,** a bill to amend the Charter of the City of Salisbury authorizing the City of Salisbury to adopt an ordinance requiring rental permits for all rental dwelling units within the city limits of the City of Salisbury.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Kincaid:

**S.B. 1650,** a bill to modify the distribution of alcoholic beverage control profits for the Town of Granite Falls.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Tally:

**S.B. 1651,** a bill to implement recommendations of the State Auditor and the Department of Environment, Health, and Natural Resources regarding the regulation of petroleum underground storage tanks and the cleanup of leaking petroleum underground storage tanks, as recommended by the Environmental Review Commission.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Lucas:

**S.B. 1652,** a bill to authorize the City Council of the City of Durham to delegate to the City Manager authority to approve applications for payment of facilities fees in installments.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Gulley and Lucas:

**S.B. 1653**, a bill to amend the Charter of the City of Durham to authorize the acquisition of property that fails to meet the minimum housing code in order to provide housing for persons with low or moderate incomes.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Warren and Martin of Pitt:

**S.B. 1654**, a bill to permit the City of Greenville to use wheel locks.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Warren and Martin of Pitt:

**S.B. 1655**, a bill to authorize Pitt County and the cities, towns, and villages located within Pitt County to use money from the Emergency Telephone System to pay for the replacement of communications equipment in the various emergency service units in the County of Pitt.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Warren:

**S.B. 1656**, a bill to remove from the corporate limits of the Town of Grifton certain described territory in Lenoir County.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Warren:

**S.B. 1657**, a bill to revise and consolidate the Charter of the Town of Winterville.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Sands:

**S.B. 1658**, a bill to create the Rockingham County solid waste landfill authority.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Martin of Guilford and Shaw:

**S.B. 1659,** a bill relating to service of complaints and orders in Housing Code cases.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Martin of Guilford and Shaw:

**S.B. 1660,** a bill to make a change in the funding formula for Guilford County schools provided by the merger act.

Referred to **Education/Higher Education Committee**.

By Senator Lucas:

**S.B. 1661,** a bill amending the Charter of the City of Durham to clarify the notification requirements for rezoning, and to permit alternative notification for annexed property involving no zone change.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Odom:

**S.B. 1662**, a bill to annex to the Town of Davidson a described area lying within its corporate boundaries.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

## REPORTS OF COMMITTEE

Bills reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee:**

**S.B. 1378**, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects, or supplements to capital improvements projects, of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, with a favorable report, as amended.

Without objection, Senator Sands offers a motion that the bill be placed on the Calendar for tomorrow without consideration by the **Appropriations Committee**, which motion prevails with unanimous consent.

The Chair orders the bill placed on the Calendar for tomorrow, June 2, for consideration upon its passage.

**S.B. 1620**, a bill to repeal the intangibles tax, to reimburse counties and cities for the resulting revenue loss, to repeal existing income tax preferences for North Carolina dividends, to increase the franchise tax, and to levy a one percent tax on income from intangibles, with a favorable report, as amended.

## ADDITIONAL ENDORSEMENTS

The following Senators request to be recorded endorsing bills previously introduced:

Senator Jordan:

**S.J.R. 1624**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to transfer the North Carolina State Ports Authority to the Department of Transportation and to abolish the North Carolina Ports Railway Commission.

Senator Kerr:

**S.B. 1626**, a bill to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Worker's Pension Fund.

Without objection, Senator Hyde offers a motion that remarks offered May 31, by Senator Odom in memory of his Mother, Laura Pearl Carter Odom, be spread upon the Journal, which motion prevails with unanimous consent, as follows:

"I would like to express appreciation to the members of this Body over the past week for their expressions of love and sympathy upon the death of my mother last week. Again it reaffirms my feeling that this is a very loving and caring family and this is a great Body. Also, we make jokes from time to time about talking about 'motherhood and apple pie', but I want to tell you in a serious vein that looking back over the life of my mother of seventy–three years, there is no greater calling in this world then someone to devote themselves as a mother and a homemaker. It reaffirms my belief that a woman who nurtures faithfully her family through her entire life has made a precious gift to humankind. All of us believe our mothers are very precious and they are, but our own is most precious of all. Thank you."

The President recognizes the following pages serving in the Senate this week; Tori Bailey, Raleigh; Leigha Basini, Charlotte; Andrew W. Blair, New Bern; Carla Gaskins, Lenoir; Kristen Dawn Gilliam, Louisburg; Tamara D. Holmes, Fayetteville; Natalie Lynd King, Raleigh; Julia Arrington Kitchin, Scotland Neck; Carrie E. B. Leonard, Asheville; Bryan S. Mayer, New Bern; Allison Elaine Rosenstein, Durham; Ann Tamlyn Shields, Scotland Neck; Shea Reza Sohooli, Ahoskie; Melissa Louise Sutton, Raleigh; Lisa Michelle Swindell, Rocky Mount; Leigh Anne Walsh, Gastonia; and Erica Whittington, Wilkesboro.

On motion of Senator Basnight seconded by Senator Lee, the Senate adjourns at 11:41 A.M. to meet tomorrow, Thursday, June 2, at 9:00 A.M.

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## ONE HUNDRED SIXTEENTH DAY

SENATE CHAMBER,
Thursday, June 2, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, at a time when the Senate deliberates the allocation of funds for the people of our State, we are ever mindful that each of us seeks a more personal treasure.

"It is elusive and difficult to achieve. The treasure attracts us even when we aren't sure of its contents. The longing for it sustains us on rough and dangerous terrain.

"As we search, one day there dawns the realization that we already possess the sought–for. The Pearl of Great Price, of greater value than all our possessions, is the Kingdom of God within each of us. And the miracle is that when we seek first Your Kingdom, O God, that is treasure enough. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, June 1, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Edwards and to Senator Smith.

The Chair extends courtesies of the floor to Helen Rhyne Marvin, former Senator from Gaston County.

### INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Winner of Buncombe:

**S.B. 1663**, a bill to authorize the issuance of thirty–five million dollars of State Parks bonds or notes and to appropriate the proceeds of these bonds and notes for specific

State Parks capital improvement projects and land acquisition in accordance with the recommendations of the Department of Environment, Health, and Natural Resources.
Referred to **Finance Committee.**

By Senators Shaw, Ballantine, and Cochrane:
**S.B. 1664**, a bill to raise the minimum filing threshold for intangibles tax.
Referred to **Finance Committee**.

By Senator Folger:
**S.B. 1665**, a bill to exempt Surry County from certain statutory requirements in the construction of facilities at the Surry County landfill.
Referred to **Local Government and Regional Affairs Committee**.

By Senator Kaplan:
**S.B. 1666**, a bill to establish the North Carolina Racing Commission, to develop a program of horse racing for North Carolina, and to provide funds for development of the equine industry in North Carolina.
Referred to **Finance Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Plyler and Conder:
**S.B. 1667**, a bill to authorizing Union County to establish a tourism board or authority for the promotion of travel and tourism within Union County.
Referred to **Local Government and Regional Affairs Committee**.

By Senator Plyler:
**S.B. 1668**, a bill to prohibit hunting and discharging firearms from public roads and highways in Union County.
Referred to **Agriculture, Marine Resources, and Wildlife Committee**.

By Senators Winner of Mecklenburg, Blackmon, Odom, and Richardson:
**S.B. 1669**, a bill to authorize the County of Mecklenburg to purchase telecommunications, data processing, and data communications equipment, supplies, and services on a request for proposal basis.
Referred to **Local Government and Regional Affairs Committee**.

By Senators Winner of Mecklenburg, Blackmon, Odom, and Richardson:
**S.B. 1670**, a bill to delete the city residency requirement for members of the Civil Service Board of the City of Charlotte.
Referred to **Local Government and Regional Affairs Committee**.

By Senators Winner of Mecklenburg, Blackmon, Odom, and Richardson:
**S.B. 1671**, a bill to allow the County of Mecklenburg to waive bid bonds on public contracts.
Referred to **Local Government and Regional Affairs Committee**.

By Senators Jordan and Ballantine:
**S.B. 1672**, a bill to establish a No–wake Zone in New Hanover County.
Referred to **Agriculture, Marine Resources, and Wildlife Committee**.

By Senator Speed:
**S.B. 1673**, a bill to exempt Franklin County from certain statutory requirements in the construction contracts.
Referred to **Capital Expenditures and Improvements Committee.**

By Senator Soles:

**S.B. 1674**, a bill to appropriate funds for the construction of a State Highway Patrol Troop "B" Headquarters complex in Bladen County.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Plyler and Conder:

**S.B. 1675**, a bill to modify the distribution of the profits from the alcoholic beverage control system in the Town of Norwood.

Referred to **Local Government and Regional Affairs Committee.**

## ADDITIONAL ENDORSEMENTS

Senator Ballantine requests to be recorded endorsing the following bills previously introduced:

**S.B. 1633**, a bill to reduce the title certificate fee for transfers within a family.

**S.B. 1634**, a bill to reduce the fee for the issuance of a motor vehicle title.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 80**
(Senate Committee Substitute)

House of Representatives
June 1, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for Committee Substitute for **HB 80**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE TIME ALLOWED THE DEPARTMENT OF REVENUE TO MAKE ASSESSMENTS OF TAXES FOLLOWING A FEDERAL DETERMINATION, TO REINSTATE AN INADVERTENTLY DELETED PROVISION RELATING TO ASSESSMENTS FOR EMPLOYER WITHHOLDING BASED ON FEDERAL DETERMINATIONS, AND TO CLARIFY THE ASSESSMENT STATUTES.

Respectfully,
S/Denise Weeks
*Principal Clerk*

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 1378**, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects, or supplements to capital improvements projects, of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, upon second reading.

On motion of Senator Winner of Buncombe, Committee Amendment No. 1 is adopted, held not to be material, and changing the title to read **S.B. 1378**, a bill to authorize

the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects, or supplements to capital improvements projects, of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill and to enable the University of North Carolina at Charlotte to set fees at a rate sufficient to finance the student activities center.

The bill, as amended, passes its second reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for the next legislative day for further consideration upon third reading.

**S.B. 1620**, a bill to repeal the intangibles tax, to reimburse counties and cities for the resulting revenue loss, to repeal existing income tax preferences for North Carolina dividends, to increase the franchise tax, and to levy a one percent tax on income from intangibles, upon second reading.

On motion of Senator Winner of Buncombe, Committee Amendment No. 1 held to be material, is adopted, constituting the first reading of the measure.

The Chair orders the bill as amended, placed on the Calendar for the next legislative day for further consideration upon second reading.

**H.B. 233** (Senate Committee Substitute), a bill to require licensure of marriage and family therapists, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll–call vote, ayes 40, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Cochrane, Conder, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Lucas, Marshall, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: Senators Ballantine, Carpenter, Hartsell, Kincaid, and Simpson—5.

The Senate Committee Substitute bill is ordered placed on the Calendar for the next legislative day, for further consideration upon third reading.

**S.B. 101** (Committee Substitute), a bill to make the limitations placed on the employment of spouses of the Board of Governors of the University of North Carolina more equitable, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

With unanimous consent, the Chair declares the Senate in recess at 9:32 A.M. for the purpose of committee meetings to reconvene at 11:00 A.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**H.B. 1551**, a bill to eliminate the requirement of proof of financial responsibility upon renewal of a drivers license.

Referred to **Judiciary I Committee**.

## REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

**S.B. 1377**, a bill to conform the threshold for determining if a penalty applies to an underpayment of withheld State income taxes to that used under the Internal Revenue Code for determining if a penalty applies to an underpayment of withheld federal income taxes, and to clarify the type of information a taxpayer must provide to the Secretary of Revenue, with a favorable report.

On motion of Senator Winner of Buncombe, the bill is placed on the Calendar for Tuesday, June 7, for consideration upon its passage.

**S.B. 1619**, a bill to update the reference to the Internal Revenue Code used in determining certain taxable income and tax exemptions and to resolve an unintended conflict between the statute of limitations for certain tax refunds and the law allowing deductions for carrybacks, bad debts, and worthless securities, with a favorable report.

On motion of Senator Winner of Buncombe, the bill is placed on the Calendar for Tuesday, June 7, for consideration upon its passage.

**H.B. 550** (Senate Committee Substitute), a bill to make improvements to the Mining Act of 1971, as written by the Environment and Natural Resources Committee, with a favorable report, as amended.

On motion of Senator Winner of Buncombe, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 7, for consideration upon its passage.

On motion of Senator Sands, the Senate recesses at 11:15 A.M. for the purpose of committee meetings to reconvene at 1:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

With no business to come before the Senate, with unanimous consent, on motion of Senator Winner of Buncombe, the Senate recesses at 1:13 P.M. for the purpose of committee meetings to reconvene at 2:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Hartsell, who is attending his son's high school graduation ceremonies.

With no business to come before the Senate, with unanimous consent on motion of Senator Johnson, the Senate recesses at 2:08 P.M. for the purpose of committee meetings to reconvene at 2:30 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Winner of Buncombe.

## COMMITTEE REFERRALS

**S.B. 1632**, a bill to incorporate into the Charter of the City of Asheville an agreement making a full and final settlement of disputed matters relating to the amount of franchise tax due the City by two public utilities, referred to the **Local Government and Regional Affairs Committee** on June 1.

Pursuant to Rule 47(b), Senator Folger offers a motion that the bill be taken from the **Local Government and Regional Affairs Committee** and re–referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the bill taken from the **Local Government and Regional Affairs Committee** and re–refers it to the **Finance Committee.**

**S.B. 1336**, a bill to allow service of process by a private process server when a proper officer returns service of process unexecuted, referred to the **Rules and Operation of the Senate Committee** on May 25.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Judiciary I Committee** which motions prevail with unanimous consent.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–refers it to the **Finance Committee**.

## REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

**S.B. 1504**, a bill to modify continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes, with

an unfavorable report as to bill, but favorable as to Committee Substitute bill with an amendment not engrossed.

On motion of Senator Daniel, the rules are suspended, and the proposed Committee Substitute bill 9863, which changes the title to read **S.B. 1504** (Committee Substitute), a bill to establish and appropriate funds for the First Flight Commission; to reduce costs to the State by authorizing private publication of the Administrative Code; to change statutory references to Air Cargo Airport Authority; to expand the duties of the State Controller; to allow children to attend community colleges; to authorize record checks of school employees; concerning the law pertaining to school textbooks; and pertaining to erosion of beaches, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill with an amendment unengrossed, is adopted and on his further motion, is placed on the Calendar for today, for further consideration upon its passage.

**S.B. 1505**, a bill to modify the Current Operations Appropriations Act of 1993 and to make other changes in the budget operation of the State, with an unfavorable report as to bill, but favorable as to Committee Substitute bill with eight amendments not engrossed.

On motion of Senator Daniel, the rules are suspended and the proposed Committee Substitute bill 4777, which changes the title to read **S.B. 1505** (Committee Substitute), a bill to modify the Current Operations Appropriations Act of 1993, to make appropriations for capital improvements for the 1994–95 Fiscal Year, and to make other changes in the budget operation of the State, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill with eight amendments unengrossed, is adopted, and on his further motion remains before the Senate for immediate consideration upon its passage. *(See Addendum)*

Senator Cooper offers Amendment No. 1 which is adopted (44–0).

The Committee Substitute bill, as amended, passes its second (43–2) and third readings and is ordered engrossed and sent to the House of Representatives.

**CALENDAR** (Continued)

**S.B. 1504** (Committee Substitute), a bill to establish and appropriate funds for the First Flight Commission; to reduce costs to the State by authorizing private publication of the Administrative Code; to change statutory references to Air Cargo Airport Authority; to expand the duties of the State Controller; to allow children to attend community colleges; to authorize record checks of school employees; concerning the law pertaining to school textbooks; and pertaining to erosion of beaches, placed earlier today on the Calendar for consideration upon its passage.

Senator Winner of Mecklenburg offers Amendment No. 1 which is adopted (45–0).

The Committee Substitute bill, as amended, passes its second (42–0) and third reading and is ordered engrossed and sent to the House of Representatives.

On motion of Senator Basnight, seconded by Senator Richardson, the Senate adjourns at 4:11 P.M. to meet Monday, June 6, at 8:00 P.M.

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# ONE HUNDRED SEVENTEENTH DAY

SENATE CHAMBER,
Monday, June 6, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, history has been brought to life for us in recent days by their first person stories of that day, D–Day."

"In amazement we have watched 70–year–old veterans once again strap on parachutes and jump in order to re–enact their personal histories. We have witnessed others standing as silent sentinels by the graveside of a fallen friend. We have heard and seen squared–jawed men recount their story through trembling voices, and eyes welled up with tears.

"It is our privilege tonight in the Senate to **remember** these courageous soldiers. For when we remember them it means that we carry something of who they were and are with us. When we remember them it means that they have left some mark of their heroism on who we are.

"And so our prayer, Oh God, **remembers** and **honors** the brave Americans who, at great price, turned the tide of history on the beaches of Normandy June 6, 1944.

"In appreciation for their sacrifice and to Your Glory, we pray. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, June 2, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Sands and to Senator Johnson.

The Chair recognizes Senator Basnight, President *Pro Tempore*, whose remarks are as follows:

**By Senator Basnight:**

"Mr. President, Members of the Senate, distinguished guests, visitors. Today is certainly a special day in the history of the world—of our world. This morning, when I awoke, I spent a little time with my fourteen–year–old daughter before I left to come to Raleigh. I woke her up earlier than normal to be able to do that. And I told her the importance of this Fiftieth Anniversary to me, for the freedom to us to express our opinions and live in the greatest Country of all.

"There is a person who lives in Wanchese, General. He was there. He's a friend of mine; he works in a little local bank now. His name is Ed Green and he was in the second wave that come ashore at Omaha, as well as our other comrades and his comrades and the allied forces that came at the different points from Utah along down. And he told what it was like and he has recanted that story many times for his friends with the understanding that it was for not himself but for all of mankind that he was there that day. And there was never the thought of fear. But those times change when you find yourself in the situation that he was. But in reading and listening over the

weekend and the little history lessons that we had and meeting other people who were there, we realize that without successes that day that our freedoms would not be with us today.

"In Goldsboro today with Senator Kerr, I had the privilege to meet another gentleman that flew a plane over early in the morning before the Invasion itself and he was part of the 82nd Airborne. And those courageous men that had just left General Eisenhower in his briefing with them and his prayers and the tremendous fear that a large percentage of those boys — those men — would not come back.

"Fortunately, we were successful. Fortunately, many of those paratroopers did find their mark and they properly laid the plans for those to follow behind; and then those who bombarded the beachhead itself and then the soldiers that followed. It was a long, tough, difficult fight and we have one of our own with us today who will speak, also.

"But just the sheer success that has to occur on occasions to see that the world is available for all mankind to become whatever they can become. Those successes occurred that day. And for that, General, we thank you and we thank our soldiers in each and every person who was a part of that tremendous success. We thank you.

"This little special event that we have in the Senate today is a genius of one of our own. Senator Tally said, "Let's recognize the special occasion with a little ceremony." And we will have our own personal ceremony today. So sit back and enjoy it."

Senator Basnight offers a motion that all remarks by distinguished guests and Members of the Senate be spread upon the Journal, which motion prevails with unanimous consent.

The Chair recognizes Senator Tally.

**By Senator Tally**:

"Thank you, Senator Basnight (inaudible)...I was a war bride in World War II, whose husband was in the Navy amphibious forces in the Mediterranean then out waiting for Normandy at South Hampton. I welcome this opportunity to honor the tremendous sacrifices and the bravery of the Operation Overlord. I was one of the women in war work; I have to bring in the women because we were a part of the scene on the home front and in other places. I was at Pratt and Whitney United Aircraft in New England. And when we received news of the invasion taking place it was a most stirring time. The V–mail of that day from Joe Tally, my husband, showed him to be at South Hampton, England, preparing for the invasion of Normandy with the Navy's amphibious forces in the first wave. It was a time of great stress and anxiety on the home front, for much was at stake in this most important Operation. We were all praying and hoping for success for our armed forces that day and in the days to come.

"One of those veterans of that day is our own Senator Ollie Harris of Kings Mountain. He will bring us his memories of that time. Senator Harris."

**By Senator Harris:**

"Thank you, Senator Tally. Distinguished guests and particularly my friend, Governor Sanford. Let me say that I am speaking not for Ollie Harris, I'm speaking for the veterans of the World War II. I understand there are twelve of you in this room that are veterans; there are fifteen others in the other wars. These are the people that I am speaking for.

"And let me say we are celebrating D–Day and I'm speaking particularly on D–Day. But we have to remember those who died in Italy, those who died in the Pacific, as well as those who died in Europe, not only on D–Day but the whole ten months that we were fighting in Europe; the D–Day, the Battle of Metz, and the Battle of the Bulge, which—really that was the most battle that I had as far as really being afraid that we were going to be captured. In most cases a lot of them were.

"Since Governor Sanford is here I've just got to tell a little about some of my personal experiences. I was sent to Fort Bragg and, of course, from Fort Bragg I was to be sent out either into the infantry or something. My first night at Fort Bragg I called Ralph Gardner who was the son of Governor Gardner and a close personal friend of mine, Terry. I said 'I want to take you out to dinner.' I didn't have but about four or five dollars with me so I took him out to dinner anyhow. When we got back, Ralph was a pretty smart fellow, he said, 'Ollie what do you want?' I said, 'Well, now, let me tell you Ralph, I've got a wife and two small children at home and I want to stay here at Fort Bragg as long as I can.' He said, 'Well, I can keep you for two months.' I said, 'Well, that might be—' Senator Basnight '—two months off the front line.' So the next morning the First Sergeant called me into his office. He says, 'Who do you know down here at Fort Bragg?' Terry, I told the biggest lie I've ever told in my life. I said, 'I don't know anybody.' He said, 'I got a letter here from the General asking me to put you here for two months.' I said, 'Well, I guess I just better well as confess since you got that letter.' And then I told him, of course, about it. But that was an experience I particularly wanted to tell since you were here.

"But at Fort Bragg I stayed two months, then at the end of two months I was told that I had three choices. First, to go to the infantry; I sure didn't want the infantry. To go to quarter masters, since I was a licensed embalmer and I knew right quick if that was to happen that I'd be over in Europe burying the dead, of course. So I said, 'Well, let me tell you—what's your third choice?' He said, 'The medics.' Well, I said, Senator Seymour, 'There is a possibility I might be in a hospital in the United States or in England.' So I took the medics. I was sent to Texas, Fort Sam Houston and I became a surgical technician. I had to report to Columbia, Fort Jackson. When I got off the train here was a man that I knew—a Captain that I knew in Texas. I said, 'Which hospital are we going to be in here, Captain?' He says, 'In the morning we leaving for Boston.' And we left for Boston the next day and got on this ship with 10,000 soldiers; landed in Liverpool and on the way over, we heard about D–Day. I got to Liverpool and they put me on a train and sent me to South Hampton and the next morning I landed at Omaha Beach. I couldn't have gone faster if I'd taken the infantry! (Laughter)

"At Omaha Beach, I got off, had a sixty–pound pack on my back; it was in the sea; it was neck deep; it was a rough sea and along side of me, Senator Ballance, was a man carrying a banjo over his head. He thought more of that banjo then he did his own life, 'cause I was about to drown! (Laughter)

"But here was this beach about one hundred feet deep—and I'd never seen this before—there was a mountain, a cliff, at least a hundred—to me, I thought it was a hundred feet high. I went up that cliff, all of us did, of course, and when I got up there I looked over on my left, Governor, and here was a cemetery with thousands and thousands of GI's buried. Now, if you want to think about yourself and about getting home! That

was an awful way to get there but that's what happened. Then we had to stay there within sight of that cemetery for two weeks because in a field hospital which I was in, the field hospital supplies were sunk in the Channel; we had to wait two months to get our supplies which included forty trucks, thirty or forty tents, jeeps, and this field hospital had two hundred and ten enlisted men and, by the way, eighteen nurses, female nurses, and about twenty one officers.

"After leaving there, of course, we went on to Saint Lo; saw what had happened there. Later on we went to Metz and had a great battle there—and the reason we had the battle was this. General Patton ran out of gas, his tanks. He wired our General Eisenhower and said, 'My men can do without food, but my tanks can't do without gasoline.' By stopping there it caused a pretty great battle there.

"Then later on around the sixteenth of December, as you remember, we had the Battle of the Bulge. Now, the battle at D–Day was the beginning of the end of World War II, by taking the part there. The Battle of the Bulge was actually the ending of that War. Had the Germans succeeded, that would have been the end of us there, in my opinion.

"Let me say for those airmen—and Senator Walker is one of them—if it hadn't been for the Air Corps—you see, during Christmas it was so foggy we couldn't get any help from the Air Corps. On the third or fourth day after Christmas General Patton—many of you have seen that picture—asked the Chaplain for a prayer. He wasn't known as a religious man, but they had a prayer and the next day was beautiful and thousands and thousands of airplanes flew over Bastongne and you could hear them tearing up the supply line of the Germans. That was the end of the War to a certain extent, although many people died later. Wanted to say, if you'll excuse me, but some personal things I just wanted to say.

"Today, remembering the Battle of Normandy is an ideal way to participate in a very special and a unique way in the celebration, observance, and commemorative events which surrounded the Fiftieth Anniversary year of the D–Day invasion at Normandy and the liberation of the Continent of Europe. As a veteran of the Battle of Normandy, I especially remember the events of fifty years ago and will never forget the men who saved our lives—gave their lives that day, and many days afterward. Looking back on these events I know you realize the indelible mark veterans left on the course of human history.

"World War II was the ultimate and decisive struggle between freedom and oppression. Nothing less then the freedom of all mankind was at stake. In a daring all–or–nothing gambit the American people and our allies put together the greatest force ever assembled. Their objective was nothing short of landing on five beaches in Normandy and liberating the Continent of Europe. Nazi Field Marshall, Erwin Rommell, has said 'The war will be won or lost on the beachhead.' And it was.

"From behind massive concrete—and this is at Omaha Beach particularly that I'm talking about, there are other beaches, of course—reinforced pill boxes, mountains of barbwire, tank traps, and minefields, unrelenting German machine guns and mortar fire rained down on our GI's, and thousands were killed right there. These were up in the cliffs and, apparently, nothing had been hit from the Navy and there they were, our GI's, trying to land with all this against them.

"In the early morning thousands of American bodies lined Omaha Beach and for awhile it looked as if we were headed for a disastrous defeat. But then, slowly, after countless acts of heroism, GI's gained a foothold. By nightfall, they held a beachhead just six miles long and not even two miles deep. Their hold on the beach from which they were to liberate Europe was extremely precarious but they had landed!

"Our troops then fought for seventy–six more days on Normandy Beach to secure the Normandy peninsula and for ten more months to liberate the Continent of Europe. Let us never forget that with each American who fell in those cold salt waters, so many thousands of miles away from home, it was a crushing blow to their loved ones back home. To each of the parents—and by the way, some of you, today, saw the little Town of Bedford, Virginia, lost nineteen men that particular day at D–Day on that Beach. We remember the pain of the young wives whose prayers, hopes, and dreams were shattered. Words cannot adequately express the anguish of the little boys and girls who lost their Dads that summer—forever.

"Why did brave young Americans travel from safety three thousand miles away to a foreign land and risk their lives and, for many, make the ultimate sacrifice? Why would anyone or any one nation pay such a high price? Americans came to rescue the four hundred million people already enslaved by Nazi occupation. They stood, fought, and many fell to secure and protect the future for you and I. The future of that freedom that our children and grandchildren enjoy today. The mission of the Battle of Normandy is to remind all generations of the price that was paid and why they paid for it.

"Today, you are paying tribute, not just to the brave men who fought fifty years ago, but to the ideals they fought for and you are keeping a love for all time, the powerful, historic truth that freedom must be defended at all costs—sometimes with our lives. God, bless America!"

The Senate acknowledges and responds to Senator Harris with a prolonged standing ovation.

**By Senator Tally:**

"Thank you, so much, Senator Harris. It's wonderful to have those reminiscences and to know firsthand from someone who's been there and has been thinking since then so deeply about it. Tonight, also, I want to share with you. I have a wonderful military institution, as you know, in my area, Fort Bragg, and we have some wonderful soldiers there. Major General Richard Davis who is the Deputy Commanding General of the Airborne Corps Fort Bragg has come tonight to be with us. General Shelton who is at Fort Bragg also was at Normandy today, I believe, with some of celebration; you may have seen him on TV. General Davis is a native of Kentucky, educated at Tennessee Technological University and the University of Tennessee, as well as had military education including United States Army Command and the General Staff College and the Army War College. Prior to coming to Fort Bragg he was a Deputy Chief of Staff for the United States Army, Europe, and Seventh Army. He holds many awards in the Army. We are so delighted to have him bring us a message from our military establishment—from our friends. General."

**By Major General Richard E. Davis of the United States Army representing the XVIII Airborne Corps:**

The Senate receives General Davis with a standing ovation.

"Thank you, thank you very much it's a privilege to be with you tonight. Lieutenant Governor Wicker, Senator Basnight, Honorable Terry Sanford, distinguished Members of North Carolina Senate, honored guests, North Carolinians.

"On behalf of Lieutenant General Henry Shelton and all the soldiers of XVIII Airborne Corps, I'd like to thank Senator Tally and the Senate for inviting me here tonight and to participate in this ceremony. As Senator Tally said, General Shelton would be here except he is in France. Yesterday, he participated in the Airborne Operation in France; he would have liked to have been here, but duty calls.

"The importance of D–Day cannot be over–emphasized. Fifty years ago our Country participated in one of history's watershed events. It was the turning point of World War II and it demonstrated that Western Allies had the strength and the will to break a tyrants hold on a continent. One cannot think of that day without remembering the raw courage it took for the rangers to scale the cliffs at Pont de Harbour; for the skill and daring it took to be a paratrooper and drop at night behind enemy lines; or the bravery of the air crews then known as the Army Air Corps, as they struck deep into the war–making heart of the enemy; or the perseverance of the Navy and the Coast Guard as they delivered men, material, and supporting fires onto French soil.

"When our Nation called, they answered, and we have been in their debt ever since. All of us should be mindful of the legacies from World War II on this day of remembrance and that's difficult to do in modern America. There is no doubt that the pace of modern life is fast. Events that take place throughout the world are known within moments rather then weeks and days of only a few years ago. Advances in technology virtually guarantee that that pace is only going to accelerate. While progress should not be resisted we need to periodically stop and look down the path that we have just traveled; that will help us to put events into perspective.

"That is occurring in your Army today, where many of the units that participated in D–Day are now members of XVIII Airborne Corps. Today's Army cherishes the legacy of those brave soldiers of 1944. In fact, much of the spirit that resides today in such units as the 82nd Airborne Division and the 101st Airborne Division Air Assault can be traced directly back to World War II. Our soldiers are very aware of all that their predecessors accomplished and we do all that we can to make sure that we have remained true to the standards that they established. In fact some of our soldiers had the opportunity yesterday to experience history by making a parachute jump into France, into the same area that was used fifty years ago. Eighteenth Airborne Corps troopers are getting to meet many of the people that those soldiers of D–Day freed. Those people who witnessed the events of that day will tell our soldiers of the courage and the sacrifice and the bravery demonstrated by the soldiers fifty years ago. They'll also be told that many did not come back, and lie there still.

"To this generation of American soldiers, the importance of D–Day will take on a new meaning. They will understand that D–Day is not an obscure topic in a history book but a momentous event that shaped the lives of people throughout the world, even today, in a very real way.

"The fascist leaders who provoked World War II misunderstood the United States. They confused a love of peace for a lack of will. The enemies of peace and freedom thought that the United States could not or would not fight to defeat aggression. They were wrong fifty years ago; they were wrong in the Cold War; in Korea and in Iraq; and they are wrong today. The legacy of those who landed in Normandy lives on. Just last week we saw the President of the United States award the Medal of Honor to two brave non–commissioned officers who lost their lives in Somalia. In that moving ceremony, Americans saw that the price of international leadership comes at a tremendous cost, but sometimes it has to be paid.

"No one knows this more then veterans and their families and more then anything that reinforces the importance of events such as the D–Day ceremonies, as well as this ceremony here tonight. We all need to be reminded of the cost of freedom. It's never free. I can assure you today that the Armed Forces of the United States are fully aware of the legacy that is ours. Left by the veterans who stormed the Normandy Beaches and ultimately defeated the axis powers. The legacy of the World War II heroes lives in the men and women in uniform today who stand ready to protect our Nation's security interests and those of our allies. We remember. We are fully aware of our responsibility to honor our veterans' memories by acting courageously and serving responsibly. You can count on us to continue in the grand tradition of D–Day, 1944.

"Again, on behalf of General Shelton and the great soldiers that serve in America's contingency corps, thank you and good evening."

The Senate acknowledges Major General Davis with a standing ovation.

**By Senator Tally:**

"Our next Speaker, many of you already know and as most of you already know, Senator Sanford was a member of our North Carolina Senate. He served as our Governor, as our United States Senator, as well as former President of Duke University for many years. We claim him as a citizen of my county as he and his family were with us for a number of years immediately after the Second World War. Senator Sanford was a paratrooper in five European campaigns. I have asked him to bring us a message in memory of this important part of our history and the meaning it should have for us and it is with pleasure that I give you Senator Sanford."

**By Senator Sanford:**

The Senate receives Senator Sanford with a warm and prolonged standing ovation.

"Mr. President, Mr. President *Pro Tempore*, Senators, and guests, and staff members, and such a fine–looking group of young people that apparently are here to take over the Senate. (Laughter) Certainly glad to have an opportunity to be in here. You know, though I broke the ground for this Building, they never would let me come in here. When you opened it up, you put the Governor off in a little room up there almost under guard to keep him from wandering around and finally let him in over in the Lower House and the Senators then honored us by coming over. But I have never had the opportunity to stand here on the floor in any kind of official capacity and I am so glad that you invited me to be here tonight. I am tempted to reminiscence on the size of the old Senate Chamber, where if you wanted something done you could almost whisper to the furthest Senator away you were so close. Here with all of this spaciousness I don't wonder that you've solved all the problems. The occasion tonight certainly is an opportunity for

all of us to look back at the service that we saw in being fifty years ago, more than fifty years ago and less than fifty years ago but this one important date is the proper time to pay our respects to those who never returned and to remind ourselves, it seems to me, about why we were there in the first place. I think it is a special sense in North Carolina because at any time when the Nation celebrates patriotism the name of North Carolina must be called whether its from Kings Mountain to Bethel in Appamattox to Manila Bay to Saint Miahiel to Argonne or then to Pearl Harbor and to Normandy and to Bastongne, North Carolinians have always been there when duty called. The 6th of June 1944 when this great turning point took place, it's good to remember that North Carolinians were spread across the quadrants of the globe challenging the Japanese and the Germans and overwhelming the Italians and driving toward victory. And when came this defining D–Day, this assault on the continent, North Carolina was on hand to do its share.

"There is no question that D–Day was the defining moment of the War and I would suggest the defining moment of the Twentieth Century. The American people once aroused, though ill–inclined to war, and the American troops once mobilized though ill–prepared for battle, did not flinch and did not fail. The Americans joined the gallant and resolute British and Russians and other allies with the immediate objective of eliminating the military aggression and the efforts of the triple alliance in their own ways in different parts of the world to, indeed, change the course of history. The heroic deeds are now being celebrated and observed by millions of a new generation—new generations, in fact, who are learning for the first time, and who are saluting once again those who gave their lives for the benefit not just of this Nation but for the benefit of civilization.

"Why did we fight this war? Well, we fought it, finally, because we were attacked. But I've always thought that we fought because of an urging much deeper. Millions of Americans, from the time Hitler's intentions were understood were straining at the restraints eager to stop Nazi aggression and while it yet could be stopped, determined that England would not fall not only because of our sentimental history but because the fall of England would pose a terrible threat to American security. And beyond security, I believe, because we did not want to permit Hitler's kind of inhumane tyranny to flourish on this earth.

"We have, looking back, three markers of that American determination to look beyond defense and society to those impulses that have always been part of the American spiritual motivation since Bunker Hill and Philadelphia; and I do not doubt that victory—clear, firm, absolute victory was our chief goal. But I do not doubt that most Americans wanted a vision of a different future. A world where we would not to be drawn into wars in every generation, a world where the causes of war might be lessened and eliminated. And all of those things guided and inspired those who were fighting the War it seems to me.

"Most Americans quickly embraced the vision of purpose expressed by the words of Franklin D. Roosevelt well before Pearl Harbor. He laid out the four freedoms; freedom from want, freedom from fear, freedom of religion, and freedom of speech. And later incorporated all of that into the Atlantic Charter set forth when Roosevelt and Churchill met aboard the USS Augusta off the coast of Canada. And that Charter, you'll remember, also called for a permanent system of general security. Those words were later to inspire the creation of the United Nations.

"And so I do not think there is any question that people involved in that War knew why we were fighting. We weren't fighting just because we were attacked; we were fighting because we had a vision. We had a national vision for humanity. There is a necessity on the occasion of celebrating national valor to affirm, in the words of Abraham Lincoln at Gettysburg, that 'we are dedicated here to the unfinished work which they who fought here have so nobly advanced.' And so must we be.

"There are after fifty years of unfinished objectives of World War II that we should resolve to continue. The Cold War now has ended. The United Nations is free to lead as originally hoped. There are difficulties and differences and doubts when we think of revitalizing the United Nations. But we must take up this unfinished work. Perhaps it will be more difficult than winning the War. But we have an obligation to those who died in the defense of freedom in the hope of a permanent organization of peace to promote the instrument of a peaceful and free world. And I think, too, looking back at the four freedoms, that it is for us to continue the enlightened fight against want, and hunger, and poverty, here at home certainly, and I would suggest in all parts of the world not as providers, not as policemen, but as the strong example of what free people can do.

"Our inspiration is that the troops at Normandy the troops around the world did not turn back. We need not turn back from the complexity and difficulty of public policy. Certainly, it is easier to get all of this working than it was to move our armada to the beaches on D–Day.

"Today, we remember and honor those who stormed the beaches of Normandy, as well as those who carried the battle to the enemies of freedom around the world, and who, as President Clinton said a few hours ago in Normandy 'turned the tide of freedom.' It is, as always, for us to fulfill the hopes of freedom that starts not on a distant, dangerous beach but here, today, in these halls and the homes and hearts and the shops and board rooms and the fields and factories.

"And the truth of the matter is that such response now, such renewed effort, really can be started not in some distant place, not off in Washington, but we can renew our determination to make this the kind of a community that fifty years ago we believed that it must be. We can renew our efforts to take those steps against people ill–educated, against the causes of poverty, against the hopelessness, against the terrible situation that has twice as many people in prison as we had twenty years ago and more people per capita than any civilized nation in the world. That was that kind of dream of that kind of civilization, a part of the storming of Normandy, a part of fighting World War II, and it is for us, today and, indeed, why not in this North Carolina General Assembly for us to carry on that fight. What better place to set a national agenda? Thank you, very much."

The Senate acknowledges and responds to Senator Sanford with a standing ovation.

Senator Tally presents Otis Lambert, Minister of Music for Trinity Methodist Church in Elizabethtown who presents a solo performance of God Bless America accompanied by his wife, Barbara Lambert, on the piano.

Led by Mr. Lambert, the Lieutenant Governor, Members of the Senate, and distinguished guests stand to sing The Star–Spangled Banner and pledge their allegiance to the United States of America.

The Chair recognizes Senator Cochrane who offers remarks, as follows:

**By Senator Cochrane:**

"This weekend has made quite an impression on all of us, I think, and I went back and dug out the comments that Dwight David Eisenhower stated to the troops on D–Day and wanted to share those with you. Before I read them though I would like to make a comment to people like Senator Harris and Senator Russell Walker and all the others that on that D–Day gave their day that the tomorrows that my children will enjoy will be there for them. Because there is no question what was done at that point in time in history has made a world for us and for them to live in. But on D–Day, Dwight David Eisenhower said to his troops:

> Soldiers, sailors and airmen of the Allied Expeditionary Force, you are about to embark on a great crusade toward which we have striven these many months. The eyes of the world are upon you. The hopes and prayers of liberty–loving people everywhere march with you. In company with our brave allies and brothers in arms on other fronts, you will bring about the destruction of the German war machine. The elimination of Nazi tyranny over the oppressed peoples of Europe and security for ourselves in a free world. Your task will not be an easy one. Your enemy is well–trained, well–equipped and battle hardened. He will fight savagely. But this is the year of 1944; much has happened since the Nazi triumphs of 1940–41. The United Nations have inflicted upon the Germans great defeat in open battle, man–to–man. Our air offensive has seriously reduced their strength in the air and their capacity to wage war on the ground. Our home fronts have given us an overwhelming superiority in weapons and munitions of war and placed at our disposal great reserves of trained fighting men. The tide has turned, the free men of the world are marching toward victory. I have full confidence in your courage, devotion to duty and skill in battle. We will accept nothing less then full victory. Good luck and let us all beseech the blessing of Almighty God upon this great and noble undertaking.

The Chair recognizes Senator Walker who offers remarks, as follows:

**By Senator Walker:**

"Thank you Mr. President, Members of the Senate, I know all of you, as I have been, over the weekend watching much TV about D–Day and the remembrance of it. Somehow, I was busy at other things during June 6 going about the duties that I was supposed to perform. I had remembered Pearl Harbor, very vividly in my mind. I remembered very vividly when the victory was proclaimed in Europe and also the ending of the War with Japan. I remembered very vividly where I was in each one of those times. But somehow I could not pull out where I was on June 6.

"So this morning I went back to a safe in which I keep some mementoes and looked up to see what I could find about and any orders where I might have been. I found out that on June 2, which is four days before, stationed in Memphis, Tennessee, I was told to go to Omaha—to Oklahoma City and Omaha and pick up a C–47 airplane that was to go overseas to a troop carrying outfit. I had the experience of delivering a C–47

prior to that time, flying across the South Atlantic and Africa over to Sicily, and having landed at Catania in Sicily just off the Gela beachhead and the opportunity to go out and visit the cemetery there.

"And I think for the first time as I had gone about my duties for more than a year or so, probably a year–and–a–half, maybe two years, flying across the oceans, flying across the United States, having lost some friends in training, some in operations, that I found the real meaning of what war was all about to see the grave sites spread across that Island. A cemetery of just our own soldiers.

"It was a great honor for me to serve my Nation. I think this that we have had in remembrance over the weekend makes us know how great a Nation we have. I think when we sing the "Star Spangled Banner" here somehow we don't really get that feeling in our bones like you get it when you're overseas on foreign land and you hear that. So, it was an honor for me to be able to serve and to work. I haven't heard anybody mention the situation over in India or China where I served a good part of my time but that was a part of the Operation, also. I was real pleased to see that our President Clinton went first to Italy, and talked about the Angio Beachhead and the landing in Sicily, because that was also a part of the War. It was something that was an honor for me.

"One other thing before I forget it, our Reading Clerk, Roy Clark, came up to me last week said you're going have this ceremony this morning and he said, 'You wear your wings, I'm gonna wear mine.' Well, I came here tonight and Roy didn't have his on; we found out we both have them in our pockets and haven't put them on yet. We mentioned the veterans here that are the Members of the Senate; nobody mentioned we also have Leroy Clark who also served in World War II as a pilot in Europe and did some of that. In fact, he flew the B–26 which was called the 'widow–maker.' I have always admired him for knowing that this is what he did, because that was really one airplane that was something to fly.

"I appreciate you letting me have these words because it has meant a lot to me tonight to be a part and to hear and to have a program arranged like this. I want to thank Senator Tally and the leadership for doing so."

The Chair recognizes Senator Simpson who offers remarks, as follows:

**By Senator Simpson:**

"Mr. President, Ladies and Gentleman of the Senate, I, too, would like to thank Senator Tally and the President *Pro Tempore* for arranging this program. I think its entirely fitting that today we commemorate those who fought and, particularly, those who lost their lives on the beaches in France.

"We should commemorate it and we should, also, commemorate the War as a whole. We should do that probably for three reasons. One was because of the immensity of the War; it was a war that involved almost every nation in the world. Those that weren't involved certainly felt its effect and suffered the privations of it. The second reason would be because of the immense financial cost of it. The War cost this Country at that time, in 1940, three hundred and forty billion dollars, which would no doubt be over a trillion dollars by present–day figuring. Thirdly, we ought to commemorate it because of the

young men, many of whom were forced to become men while they were still boys; men who were given very little training compared to that to their enemies, and then sent off to the killing fields of the world.

"We ought to remember it because we ought to remember that we were unprepared for that War and it cost us tens of thousands of lives of young Americans. We were unprepared for World War I and it cost us thousands of lives. If we look back at our history we will see that the wars we were prepared for cost us not near as much as those for which we were unprepared. The War of 1812, the War with Mexico, we were prepared. The Civil War, neither side was prepared and still it was probably the bloodiest encounter in the history of mankind; and World War II we were unprepared; in the Koran War we were unprepared and we forgot it and we may have to fight it again because the same conditions exist there that existed after that War. The Berlin Wall fell and we won World War III without losing a life. We did that because we were prepared to fight; the enemy knew we would fight and that's the way we saved our resources and our men.

"If we don't remember this War and if we don't commemorate it and keep it forever in our memory we may have to fight it again. If we will remember, we took the third largest army in the world and defeated the fourth largest army in the world in one hundred hours because we were ready. We got into another war, the one that we lost, the only war that we have ever lost, because our national interest had not been defined. It had not been explained to the people of this country and thus they were unprepared to back it.

"In World War II, we didn't have flower children and we didn't have the draft–dodgers that we have now. The men who fought World War II were so revered that since that War, up until the present time, every President has been a veteran. Three of those Presidents, at least, Eisenhower and Kennedy and Bush could be defined as true heroes of that War, along with all the others of thousands of heroes that were left after it.

"If I had my way about it, we would teach in our public schools, we would require reading of three books: one, would be Neville Shupe's, On the Beach, which describes an atomic holocaust; two would be Aleksandr Solzhenitsyn's, Gulag Archipelago, which shows how far man can go to humiliate and debase his fellow man—how far he did go; three, we would read George Orwell's, 1984, because it shows just how far man's ingenuity will allow him to go to debase his fellow human being.

"If we don't remember what caused the War and that we were unprepared, we may have to do it again. So, let's remind our leaders in Washington that we don't want another and that we need to be prepared and stay prepared so we won't have to fight one. Thank you."

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**H.B. 1502**, a bill to require that public condemnors give notice to and receive the consent of the Onslow County Board of Commissioners before condemning property in Onslow County.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 1535**, a bill to exempt Currituck County and the Whalehead Preservation Trust and Currituck Wildlife Museum, Inc., from certain statutory requirements in the renovation of the historic Whalehead Club.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 1565**, a bill to exempt Bladen County from the requirements of Article 12 of Chapter 160A of the General Statutes as to the sale or lease of certain property.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 1632**, a bill to allow the Towns of Kitty Hawk and Nags Head to regulate certain activities in waterways adjacent to those Towns.

Referred to **Local Government and Regional Affairs Committee**.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 1378**, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects, or supplements to capital improvements projects, of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill and to enable the University of North Carolina at Charlotte to set fees at a rate sufficient to finance the student activities center, as amended, upon third reading.

The bill, as amended passes its third reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

## REMOVAL OF ENDORSEMENT

The Chair directs the Reading Clerk to read:

NORTH CAROLINA GENERAL ASSEMBLY
Senate Chamber
State Legislative Building
Raleigh 27601–2808
June 6, 1994

TO: Members of the Senate
FROM: Senator Fred Folger
RE: Senate Bill 1620

I hereby respectfully request to withdraw my endorsement of Senate Bill 1620, Repeal Intangibles Tax.

Senator Folger offers a motion that he be allowed to withdraw his endorsement of **S.B. 1620**, a bill to repeal the intangibles tax, to reimburse counties and cities for the resulting revenue loss, to repeal existing income tax preferences for North Carolina dividends, to increase the franchise tax, and to levy a one percent tax on income from intangibles, which motion prevails with unanimous consent.

The endorsement of Senator Folger is ordered removed upon the next printing of the measure.

**CALENDAR** (Continued)

**S.B. 1620**, a bill to repeal the intangibles tax, to reimburse counties and cities for the resulting revenue loss, to repeal existing income tax preferences for North Carolina dividends, to increase the franchise tax, and to levy a one percent tax on income from intangibles, as amended, upon second reading.

Senator Gulley offers Amendment No. 2, held to be material which proposes to change the title to read, a bill to repeal the intangibles tax, to reimburse counties and cities for the resulting revenue loss, to repeal existing income tax preferences for North Carolina dividends, to increase the franchise tax, and to levy a tax on income from intangibles.

Pursuant to Rule 22, Senator Winner of Buncombe offers a substitute amendment, No. 3, for amendment No. 2.

The Chair rules amendment, No. 3, not material. Amendment No. 3, offered by Senator Winner of Buncombe, is adopted (44–3).

The bill, as amended, passes its second reading by roll–call vote, ayes 40, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plyler, Seymour, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: Senators Ballance, Folger, Hyde, Jordan, Odom, Plexico, and Shaw—7.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, June 7, for further consideration upon third reading.

**H.B. 233** (Senate Committee Substitute), a bill to require licensure of marriage and family therapists, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll–call vote, ayes 40, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hyde, Jordan, Kaplan, Kerr, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Seymour, Shaw, Sherron, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: Senators Ballantine, Carpenter, Cochrane, Hartsell, Kincaid, Simpson, and, Smith—7.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

Senator Seymour rises to a point of personal privilege. With unanimous consent, on motion of Senator Basnight, the remarks of Senator Seymour are spread upon the Journal, as follows:

**By Senator Seymour:**

"I know that the hour is late and the timing probably isn't as good now as it would have been an hour or so ago. But I had wanted to make a personal observation that my husband who had been here for the program earlier in the evening also went in on D–Plus–6. He climbed the ladder that they were washing people into the ocean and he came back with a Purple Heart. But he did come back and that's the important thing, as we celebrate this important era in the lives of so many of us. Thank you, Mr. President."

## INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time and disposed of, as follows:

By Senator Warren:
**S.B. 1676**, a bill to amend the Constitution of North Carolina to establish rights for victims of crime.
Pursuant to Resolution 31, the bill is ordered held in the office of the Principal Clerk for enabling legislation.

By Senator Warren:
**S.B. 1677**, a bill to permit the use of Powell Bill funds for the construction of sidewalks.
Pursuant to Resolution 31, the bill is ordered held in the office of the Principal Clerk for enabling legislation.

By Senators Harris, and Cochrane:
**S.J.R. 1678**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a joint resolution honoring the veterans of North Carolina who served during World War II.
Referred to **Children and Human Resources Committee** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Lee and Walker:
**S.B. 1679**, a bill to make sundry amendments relating to local governments in Orange and Chatham counties.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Gulley:
**S.B. 1680**, a bill amending the Charter of the City of Durham to clarify the notification requirements for rezoning, and to permit alternative notification for annexed property involving no zone change.
Referred to **Local Government and Regional Affairs Committee**.

By Senator Kerr:
**S.B. 1681**, a bill to allow the Goldsboro–Wayne Airport Authority to lease property to the City of Goldsboro, Wayne County, or Wayne Community College under general law.
Referred to **Local Government and Regional Affairs Committee**.

Senators Lee and Walker:
**S.B. 1682**, a bill to make further sundry amendments relating to Local Governments in Orange and Chatham Counties.
Referred to **Local Government and Regional Affairs Committee**.

By Senator Walker:
**S.B. 1683**, a bill to mandate criminal history and Central Registry history checks of all foster parents in licensed family foster homes.
Referred to **Children and Human Resources Committee** and upon a favorable report, re–referred to the **Judiciary I Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Winner of Mecklenburg, Blackmon, Odom, and Richardson:
**S.B. 1684**, a bill to authorize the Mecklenburg County Manager and the Charlotte City Manager to award contracts for the purpose of purchasing apparatus, supplies, materials, or equipment regardless of the amount, and for construction projects under a certain amount, provided there are sufficient appropriated unencumbered funds.
Referred to **Local Government and Regional Affairs Committee**.

By Senators Warren, Jordan, and Kerr:
**S.B. 1685**, a bill to authorize the City of Kinston to levy a room occupancy and tourism development tax.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Warren:
**S.J.R. 1686**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to authorize the Attorney General to recoup any unemployment compensation benefits North Carolina may have to pay if any litigation against tobacco companies for product liability is successful.
Referred to **Manufacturing and Labor Committee**. and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Warren:
**S.J.R. 1687**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to permit the use of Powell Bill funds for the construction of sidewalks.
Referred to **Transportation Committee** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senators Odom, Blackmon, Richardson, and Winner of Mecklenburg:
**S.B. 1688**, a bill to amend the Charlotte Firefighters' Retirement System Act.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Pensions and Retirement Committee.**

By Senator Lee:
**S.B. 1689**, a bill authorizing the Town of Aberdeen to impose a prepared food and beverage tax.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Daniel:
**S.B. 1690**, a bill concerning a Caswell County Water and Sewer Authority.
Referred to **Local Government and Regional Affairs Committee**.

By Senator Daniel:
**S.B. 1691**, a bill relating to local government in Person County.
Referred to **Local Government and Regional Affairs Committee**.

By Senator Daniel:
**S.B. 1692**, a bill relating to local government in Caswell County.
Referred to **Local Government and Regional Affairs Committee**.

By Senator Daniel:
**S.B. 1693**, a bill amending the Charter of the Town of Green Level in Alamance County to authorize enactment of a property maintenance ordinance and the assessment of certain costs of enforcement as a lien against the property.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Daniel:
**S.B. 1694**, a bill relating to local government in Alamance County.
Referred to **Local Government and Regional Affairs Committee**.

By Senator Daniel:
**S.B. 1695**, a bill to create the Piedmont Sports and Entertainment Authority.
Referred to **Rules and Operation of the Senate Committee**.

By Senator Cooper:
**S.J.R. 1696**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to require the Department of Transportation to pay the nonbetterment costs of moving utilities owned by rural water systems operated by counties as enterprise systems in connection with highway projects.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Cooper:
**S.B. 1697**, a bill relating to the acquisition of property by the County of Nash for use by the County Board of Education.
Referred to **Local Government and Regional Affairs Committee**.

By Senator Cooper:
**S.B. 1698**, a bill relating to the Nash–Rocky Mount School Administrative Unit.
Referred to **Education/Higher Education Committee**.

By Senator Cooper:
**S.B. 1699**, a bill relating to the County of Halifax and the municipalities therein.
Referred to **Local Government and Regional Affairs Committee**.

## EXECUTIVE ORDERS

An Executive Order received (*see Appendix*), presented to the Senate, read, and referred to committee, as follows:

**Executive Order No. 50,** North Carolina Sports Development Commission.
Referred to **Economic Development/Travel and Tourism Committee.**

On motion of Senator Basnight, seconded by Senator Harris, the Senate adjourns at 10:47 P.M., in honor and memory of all United States of America Veterans of War, who fought on foreign soil on behalf of our Country, to meet tomorrow, Tuesday, June 7, at 11:00 A.M.

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# ONE HUNDRED EIGHTEENTH DAY

SENATE CHAMBER,
Tuesday, June 7, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Rabbi George Holland, of Beth Hallel Synagogue, as follows:

"G–D of Abraham, G–D of Isaac, and G–D of Jacob, we praise Your Name this day and thank You for the opportunity of blessing You. As we pray for our leaders as You commanded us in Your Word, we ask that the Ruach Ha Kadosh, The Holy Spirit, descend upon each and everyone in this room today, individually and collectively. We ask that You give them wisdom, knowledge, and understanding, but mostly wisdom in the work You have called them to do. May Your Angels guard them, protect them, and keep them totally in Your Will. For it is in the Name of our Messiah, Yeshua, Jesus, that we pray. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Monday, June 6, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Odom, who is attending the funeral of a "dear friend"; to Senator Perdue, due to illness; and to Senator Richardson.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**H.B. 1508**, a bill to authorize the City of Lexington to levy a room occupancy and tourism development tax.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re–referred to the **Finance Committee**.

**H.B. 1634**, a bill to provide a filing period for special elections to fill vacancies in the City of Lumberton.

Referred to **Constitution and Election Laws Committee.**

**H.B. 1642**, a bill to change the time by which the North Carolina Utilities Commission and the Public Staff provide biennial natural gas service reports to the Joint Legislative Utility Review Committee, as recommended by the Joint Legislative Utility Review Committee.

Referred to **Public Utilities Committee.**

**H.B. 1770** (Committee Substitute), a bill to make it a felony for any person to transfer a handgun to a minor as recommended by the Child Fatality Task Force.

Referred to **Judiciary I Committee**.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 1620**, a bill to repeal the intangibles tax, to reimburse counties and cities for the resulting revenue loss, to repeal existing income tax preferences for North Carolina

dividends, to increase the franchise tax, and to levy a one percent tax on income from intangibles, as amended, upon third reading.

Senator Kincaid offers Amendment No. 4, amending Amendment No. 3.

Senator Kincaid rises with an inquiry as to the materiality of Amendment No. 4 which the Chair takes under advisement.

Senator Kincaid offers Amendment No. 5, perfecting Amendment No. 4, which is adopted (45–1).

Senator Winner of Buncombe calls the previous question, seconded by Senator Sands. The call is sustained.

The Chair rules the call for the previous question includes the adoption of Amendment No. 4 with the main question of passage.

The bill, as amended, with Amendment No. 4, passes its third reading by roll–call vote, ayes 39, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Plexico, Plyler, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: Senators Edwards, Folger, Hyde, Jordan, Shaw, and Tally—6.

The following pair is announced: Senator Perdue "aye"; Senator Ballance "no."

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

The Chair recognizes Senator Basnight, President *Pro Tempore*, who introduces the Honorable John H. Chichester, Member of the Senate of the Commonwealth of Virginia and President–elect of the Southern Legislative Conference of the Council of State Governments and requests permission for Senator Chichester to approach the Well of the Senate for brief remarks.

The Chair grants permission, and Senator Chichester approaches the Well of the Senate and briefly addresses the Senate.

## REPORT OF COMMITTEE

A bill is reported out of the regular order of business from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

**H.B. 1133**, a bill to permit men who are divorced or widowed to resume use of the surname they used before marriage, with a favorable report, as amended.

## CALENDAR (Continued)

**S.B. 1619**, a bill to update the reference to the Internal Revenue Code used in determining certain taxable income and tax exemptions and to resolve an unintended conflict between the statute of limitations for certain tax refunds and the law allowing deductions for carrybacks, bad debts, and worthless securities.

With unanimous consent, the Chair orders the bill taken up out of its regular order of business.

The Chair rules the bill requires a call of the roll, upon second reading.

The bill passes its second reading by roll–call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Plexico, Plyler, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: Senator Shaw—1.

The bill is ordered placed on the Calendar for tomorrow, Wednesday, June 8, for further consideration upon third reading.

**S.B. 1377**, a bill to conform the threshold for determining if a penalty applies to an underpayment of withheld State income taxes to that used under the Internal Revenue Code for determining if a penalty applies to an underpayment of withheld federal income taxes, and to clarify the type of information a taxpayer must provide to the Secretary of Revenue, upon second reading.

The bill passes its second reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill is ordered placed on the calendar for tomorrow, Wednesday, June 8, for further consideration upon third reading.

**H.B. 550** (Senate Committee Substitute), a bill to make improvements to the Mining Act of 1971.

On motion of Senator Kerr, Committee Amendment No. 1 is adopted.

On motion of Senator Daniel, further consideration of the Senate Committee Substitute bill, as amended, is postponed until tomorrow, Wednesday, June 8.

The President recognizes the following pages serving in the Senate this week: Jason Farinholt Bowles, Raleigh; Matthew David Bowles, Raleigh; Ervin Israel Brandon, Fuquay–Varina; Angela Bronwyn Cates, Burlington; Kevin Cook, Mebane; P. Devan Culbreth, Raleigh; Wes Faulk, Monroe; Sara Caroline Fisher, Chapel Hill; Laura Broyles Hooper, Burlington; Halbert McNair Jones III, Winston–Salem; Cory Hal Knox, Williamston; Martha Rose Lassiter, Salisbury; Katherine Lisbeth McDonald, Sanford; Carla Warren Massengill, Cary; William Kemp Mauney IV, Kings Mountain; Wesley F. Phillips III, Kernersville; John G. Powell, Greenville; Lebbonee Demia Price, Pittsboro; Michelle Prince, Cary; Andrew Callahan Rieder, Raleigh; Jeff Rose, Fuquay–Varina; Allison Smith, Raleigh; Farris Smith, Wake Forest; John P. Tanner, Raleigh; Keely White, Raleigh; and Brian Williams, Monroe.

On motion of Senator Basnight, seconded by Senator Seymour, the Senate adjourns at 12:19 P.M. to meet tomorrow, Wednesday, June 8, at 1:30 P.M.

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# ONE HUNDRED NINETEENTH DAY

SENATE CHAMBER,
Wednesday, June 8, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, guard us today from the temptation to merely observe life, to watch it pass by from a safe place above the crowds.

"Instead, O Lord, help us to walk fearlessly into life, to live humbly on every level, to lend a hand in the common chores of existence, to cease being anxious about advantages and disadvantages.

"When You said, 'A person who loses his or her life for My Sake, will find it,' You were defining for us how to live a **real** life. Help us in that endeavor, we pray, Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, June 7, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Blackmon, who has business in Canada; and to Senator Ballance, whose presence is required in court.

## CONFIRMATION OF APPOINTMENTS

Senator Johnson, Chairman of the **State Personnel and State Government Committee**, submits the following Report with recommendations of the Committee as to Appointments by Governor:

## STATE PERSONNEL COMMISSION

In compliance with the provisions of G.S. Section 126–2 requiring appointees to the State Personnel Commission to be confirmed by the General Assembly, Governor Hunt has submitted his appointee, Maria F. Spaulding, for confirmation. Her term will expire on June 30, 1999.

The Senate Committee on State Personnel and State Government has considered the appointment and makes the following recommendation to the General Assembly:

That the appointment of Maria F. Spaulding to the State Personnel Commission beginning immediately and expiring June 30, 1999, be confirmed.

Senator Johnson offers a motion the report of the Committee on State Personnel and State Government be placed before the Senate for immediate consideration, which motion prevails.

Senator Johnson offers a motion the appointment of Maria F. Spaulding to the State Personnel Commission beginning immediately and expiring June 30, 1999, be confirmed, which motion prevails by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour,

Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—44.

Voting in the negative: None.

The Senate confirms the appointment by the Governor of Maria F. Spaulding to the State Personnel Commission for a term beginning immediately and expiring June 30, 1999. The Chair orders a message sent to the House of Representatives notifying that Honorable Body of the action of the Senate.

## STATE CONTROLLER

In compliance with the provisions of G.S. Section 143B–426.37 requiring appointees to be confirmed by the General Assembly, Governor Hunt has submitted his appointee, Edward Renfrow of Johnston County, for confirmation as State Controller.

The Senate Committee on State Personnel and State Government has considered the appointment and makes the following recommendation to the General Assembly:

That the appointment of Edward Renfrow as State Controller be confirmed.

Senator Johnson offers a motion the report of the Committee on State Personnel and State Government be placed before the Senate for immediate consideration, which motion prevails.

Senator Johnson offers a motion the appointment of Edward Renfrow as State Controller be confirmed, which motion prevails by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—46.

Voting in the negative: None.

The Senate confirms the appointment by the Governor of Edward Renfrow as State Controller. The Chair orders a message sent to the House of Representatives notifying that Honorable Body of the action of the Senate.

## COMMITTEE REFERRAL

**H.B. 1029**, a bill to simplify the licensing requirements for certain pesticide applicators, referred to **Agriculture, Marine Resources, and Wildlife Committee** on May 31.

Pursuant to Rule 47(b), Senator Albertson offers a motion the bill be taken from the **Agriculture, Marine Resources, and Wildlife Committee**, and committed to the **Rules and Operation of the Senate Committee**, which motions prevail. The Chair orders the bill taken from the **Agriculture, Marine Resources, and Wildlife Committee**, and refers it to the **Rules and Operation of the Senate Committee**.

## REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

**S.B. 1632**, a bill to incorporate into the Charter of the City of Asheville an agreement making a full and final settlement of disputed matters relating to the amount of franchise tax due the City by two public utilities, with a favorable report.

**S.B. 1663**, a bill to authorize the issuance of thirty–five million dollars of State Parks bonds or notes and to appropriate the proceeds of these bonds and notes for specific State Parks capital improvement projects and land acquisition in accordance with the recommendations of the Department of Environment, Health, and Natural Resources, with a favorable report.

**S.B. 1185** (Committee Substitute), a bill to establish the Uninsured Employers' Fund to provide compensation for certain injured employees whose employers failed to secure the payment of compensation and to require carriers to contribute to this Fund, with an unfavorable report as to Committee Substitute bill as written by the **Insurance Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Winner of Buncombe, the rules are suspended and the proposed Committee Substitute bill 7903 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, June 9, for further consideration upon its passage.

**S.B. 1473**, a bill to address motor fuel tax evasion in cross–border shipments of fuel by requiring shipping documents issued by the seller of the fuel to the transporter of the fuel to include the destination state for the fuel, and to otherwise improve the State's ability to track shipments of motor fuel, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules and suspended, and the proposed Committee Substitute bill 9866, which changes the title to read **S.B. 1473** (Committee Substitute), a bill to address motor fuel tax evasion, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 9, for further consideration upon its passage.

## COMMITTEE REFERRAL

**S.B. 1439**, a bill authorizing the Administrative Office of the Courts to issue a presumptive fee schedule for representation of indigent defendants in capital cases and to appropriate additional funds for that purpose, referred to the **Finance Committee** on May 25.

Pursuant to Rule 47(b), Senator Winner of Buncombe offers a motion the bill be taken from the **Finance Committee** and re–referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the bill taken from the **Finance Committee** and refers it to the **Appropriations Committee**.

**S.B. 1628**, a bill clarifying that a motor vehicle operating lease that contains a terminal rental adjustment clause is not a sale and does not create a security interest in

the leased property, referred to the **Finance Committee** on June 1.

Pursuant to Rule 47(b), Senator Winner of Buncombe offers a motion the bill be recalled from the **Finance Committee** and re–referred to the **Judiciary II Committee**, which motions prevail.

The Chair orders the bill taken from the **Finance Committee** and refers it to the **Judiciary II Committee**.

## REPORTS OF COMMITTEES (Continued)

By Senator Perdue for the **Education/Higher Education Committee**:

**S.B. 1600**, a bill to exempt students who take more than fifteen hours per regular term and who graduate on time from the UNC tuition surcharge imposed on students who take excessive time to complete degree requirements, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 1555**, a bill to grant the dependent relatives of certain civilian employees of the military involuntarily transferred to this State in–state tuition at constituent institutions of the University of North Carolina and at campuses of the North Carolina Community College System, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re–referred to the **Appropriations Committee**.

By Senator Seymour for the **Public Utilities Committee:**

**S.B. 1469**, a bill to exempt from registration and the motor fuel tax vehicles registered in another state and operated temporarily in this State by a utility provider or its contractor for the purpose of restoration of utility services in an emergency outage as recommended by the Joint Legislative Utility Review Committee, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**S.B. 1471**, a bill to provide an expedited procedure for creation of county water and sewer districts after failure of low–pressure pipe sewer systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 1642**, a bill to change the time by which the North Carolina Utilities Commission and the Public Staff provide biennial natural gas service reports to the Joint Legislative Utility Review Committee, as recommended by the Joint Legislative Utility Review Committee, with a favorable report.

By Senator Folger for the **Local Government and Regional Affairs Committee**:

**S.B. 1323**, a bill to incorporate the Village of Lake Park in Union County, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**S.B. 1331**, a bill to incorporate the Village of Marvin in Union County, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**S.B. 1409**, a bill to remove the sunset on an act to permit the County of Cabarrus to condemn certain property of private condemnors, with a favorable report.

**S.B. 1662**, a bill to annex to the Town of Davidson a described area lying within its corporate boundaries, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**S.B. 1679**, a bill to make sundry amendments relating to local governments in Orange and Chatham counties, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**S.B. 1425**, a bill to extend the expiration of the requirement that just compensation be paid for the removal by local authorities of billboards on interstate and federal–aid primary highways, as required by federal law, with a favorable report, as amended.

**S.B. 1653**, a bill to amend the Charter of the City of Durham to authorize the acquisition of property that fails to meet the minimum housing code in order to provide housing for persons with low or moderate incomes, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re–referred to the **Finance Committee**.

**S.B. 1665**, a bill to exempt Surry County from certain statutory requirements in the construction of facilities at the Surry County landfill, with a favorable report, as amended.

**S.B. 1667**, a bill to authorizing Union County to establish a tourism board or authority for the promotion of travel and tourism within Union County, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Committee Substitute bill 2798, which changes the title to read **S.B. 1667** (Committee Substitute), a bill authorizing Union County to establish a tourism board for the promotion of travel and tourism within Union County, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 9, the further consideration upon its passage.

## COMMITTEE REFERRAL

**H.B. 1632**, a bill to allow the Towns of Kitty Hawk and Nags Head to regulate certain activities in waterways adjacent to those Towns, referred to the **Local Government and Regional Affairs Committee** on June 6.

Pursuant to Rule 47(b), Senator Folger offers a motion the bill be taken from the **Local Government and Regional Affairs Committee** and re–referred to the **Agriculture, Marine Resources, and Wildlife Committee**, which motions prevail.

The Chair orders the bill taken from the **Local Government and Regional Affairs Committee** and refers it to the **Agriculture, Marine Resources, and Wildlife Committee**.

## CALENDAR

**H.B. 550** (Senate Committee Substitute), a bill to make improvements to the Mining Act of 1971, as amended.

On motion of Senator Kerr, consideration of the Senate Committee Substitute bill, as amended, is postponed until Tuesday, June 14.

## INTRODUCTION OF BILL AND RESOLUTION

A bill and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Johnson:

**S.B. 1700**, a bill to establish the percentage rates for the insurance regulatory charge and the public utility regulatory fee.

Referred to **Finance Committee**.

By Senator Allran:

**S.J.R. 1701**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to provide that it is unlawful to engage in vaginal intercourse with a child under sixteen years of age.

Referred to **Judiciary II Committee** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee**.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**H.B. 1556**, a bill to revise and consolidate the Charter of the Town of Winterville.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee**.

**H.B. 1633** (Committee Substitute), a bill to prohibit the running of deer by dogs in the Towns of Kitty Hawk and Nags Head.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

**H.B. 1644**, a bill to allow Avery County to acquire property for use by the County Board of Education.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 1718**, a bill to extend the life of the North Carolina Sentencing and Policy Advisory Commission and to continue the terms of the existing members.

Referred to **Appropriations Committee**.

**H.B. 1900**, a bill to provide for an election within the Duck Area Beautification District of Dare County to authorize the levy and collection of ad valorem property taxes for the purpose of constructing and maintaining sidewalks within that District.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee**.

**H.B. 1913**, a bill to authorize the appointment of a special board of equalization and review for Iredell County.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee**.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives:

**H.B. 80**
(Senate Committee Substitute)

House of Representatives
June 8, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for Committee Substitute for **HB 80**, A BILL TO REDUCE THE TIME ALLOWED THE DEPARTMENT OF REVENUE TO MAKE ASSESSMENTS OF TAXES FOLLOWING A FEDERAL DETERMINATION, TO REINSTATE AN INADVERTENTLY DELETED PROVISION RELATING TO ASSESSMENTS FOR EMPLOYER WITHHOLDING BASED ON FEDERAL DETERMINATIONS, AND TO CLARIFY THE ASSESSMENT STATUTES, and requests conferees. The Speaker has appointed Representative Hackney, Representative Gamble, and Representative Wright on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Senator Winner of Buncombe offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

## APPOINTMENT BY THE GOVERNOR

The Chair directs the Reading Clerk to read as follows:

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh 27603–8001

May 26, 1994

The Honorable Dan Blue
Speaker of the House
North Carolina General Assembly
Raleigh, NC 27601

The Honorable Marc Basnight
President *Pro Tem*
North Carolina General Assembly
Raleigh, NC 27601

*Dear Gentlemen:*

Pursuant to G.S. Section 62–10, I hereby submit the name of Hugh Wells for confirmation to succeed John Thomas as a member of the North Carolina Utilities

Commission. I appreciate your consideration of this nomination and ask the General Assembly's confirmation of Judge Wells.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
*Governor*

Referred to **Public Utilities Committee.**

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 1377**, a bill to conform the threshold for determining if a penalty applies to an underpayment of withheld State income taxes to that used under the Internal Revenue Code for determining if a penalty applies to an underpayment of withheld federal income taxes, and to clarify the type of information a taxpayer must provide to the Secretary of Revenue, upon third reading.

The bill passes its third reading by roll–call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S.B. 1619**, a bill to update the reference to the Internal Revenue Code used in determining certain taxable income and tax exemptions and to resolve an unintended conflict between the statute of limitations for certain tax refunds and the law allowing deductions for carrybacks, bad debts, and worthless securities, upon third reading.

The bill passes its third reading by roll–call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: Senator Shaw—1.

The bill is ordered sent to the House of Representatives.

**H.B. 1133**, a bill to permit men who are divorced or widowed to resume use of the surname they used before marriage.

On motion of Senator Cooper, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (42–3) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

On motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 2:24 P.M. to meet tomorrow, Thursday, June 9, at 1:00 P.M.

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# ONE HUNDRED TWENTIETH DAY

SENATE CHAMBER,
Thursday, June 9, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, we pray to You seeking honest discourse. Therefore, let us not come before You wearing any masks so as to appear as we think You would like to see us. Let us stand before You as we are.

"If our spirits are full of rebellion, make us candid with You. Let us confess our burdens, our fears, our resentments. Like Job, we agree that life is not always just and sometimes we are ill–treated.

"But, O God, help us to stay long enough in Your Presence for Your Healing Hand to touch us. Like the storm–tossed seas after the wind quiets, bring us to peace. Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, June 8, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Conder, due to business reasons; to Senator Martin of Pitt, who is meeting with his local delegation; to Senator Blackmon, and to Senator Sherron.

## CONFIRMATION OF APPOINTMENT

Senator Harris, Chairman of the **Pensions and Retirement Committee**, submits the following report with a recommendation by the Committee as to appointments by the Governor:

### BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM

In compliance with the provisions of G.S. 135–6 requiring appointees to the Board of Trustees of the Teachers' and State Employees' Retirement System to be confirmed by the North Carolina Senate, Governor Hunt has submitted his appointee, Shirley A. Bell, for confirmation. The Governor has appointed Ms. Bell to replace Mr. Spillman Grice. Her term will begin immediately and will expire on April 1, 1995. The Senate Committee on Pensions and Retirement has considered the appointment and makes the following recommendation to the North Carolina Senate:

That the appointment of Shirley A. Bell to the Board of Trustees of the Teachers' and State Employees' Retirement System, beginning immediately and expiring April 1, 1995, be confirmed.

Senator Harris offers a motion the report of the Committee on Pensions and Retirement be placed before the Senate for immediate consideration, which motion prevails.

Senator Harris offers a motion that the appointment of Shirley A. Bell to the Board of Trustees of the Teachers' and State Employees' Retirement System for a term beginning immediately and expiring on April 1, 1995, be confirmed by the Senate,

which motion prevails by roll–call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Cochrane, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Guilford, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The Senate confirms the appointment by the Governor of Shirley A. Bell to the Board of Trustees of the Teachers' and State Employees' Retirement System. The Chair orders a message sent to the House of Representatives advising that Honorable Body of the action of the Senate.

## REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

Senator Harris, Vice–Chairman for Senator Walker, Chairman, for the **Children and Human Resources Committee**:

**H.B. 551** (Committee Substitute No. 2), a bill to impose conditions for the restoration or continued enjoyment of a driving privilege after a conviction for driving while impaired or driving while a provisional licensee after consuming drugs or alcohol, and to promote compliance with these conditions, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the Committee Substitute bill No. 2, as amended, is referred to the **Judiciary I Committee.**

By Senator Hyde for the **Constitution and Election Laws Committee**:

**S.B. 1563**, a bill to require that information to be reported concerning campaign contributors shall include occupation, employer's name, and business address; and to prohibit sale or use of campaign finance reports for solicitation or commercial purposes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hyde, the rules are suspended, and the proposed Committee Substitute bill 7904, which changes the title to read **S.B. 1563** (Committee Substitute), a bill to require that information to be reported concerning campaign contributors shall include occupation, employer's name, and business address, is placed before the Senate for immediate consideration.

On motion of Senator Hyde, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 13, for further consideration upon its passage.

By Senator Perdue for the **Education/Higher Education Committee**:

**S.B. 1418**, a bill to reorganize education reports and to make technical corrections to the education laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill 4784, which changes the title to read **S.B. 1418** (Committee Substitute),

a bill to reorganize education reports and to make technical and clarifying changes to the education laws, is placed before the Senate for immediate consideration.

On motion of Senator Perdue the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 13, for further consideration upon its passage.

## CALENDAR

**S.B. 1185** (Committee Substitute No. 2), a bill to establish the Uninsured Employers' Fund to provide compensation for certain injured employees whose employers failed to secure the payment of compensation and to require carriers to contribute to this Fund, on today's Calendar, upon second reading.

On motion of Senator Plyler, consideration of the Committee Substitute bill No. 2 is postponed until Tuesday, June 14.

## INTRODUCTION OF BILLS AND RESOLUTIONS

A bill and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Winner of Mecklenburg:

**S.J.R. 1702**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to conform North Carolina laws regarding the establishment of child paternity to certain federal law requirements by amending the North Carolina laws of evidence relating to the manner of contesting blood or genetic marker tests in the trial of civil actions in which the question of parentage arises; by providing for the entry of judgment by default in paternity actions when the defendant fails to file answer; and, by giving full faith and credit to out–of–state paternity determinations regardless of method of establishment.

The Chair rules the subject matter of the joint resolution eligible for consideration under the provisions of Resolution 31.

The Chair orders the joint resolution held in the Office of the Principal Clerk.

By Senator Kaplan:

**S.J.R. 1703**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to expand the corporate powers of sanitary districts pursuant to Article 2 of Chapter 130A of the North Carolina General Statutes.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee.**

By Senator Kerr:

**S.B. 1704**, a bill to extend the sunset on the fuel ethanol distillery tax credit.

Referred to **Finance Committee**.

By Senator Cooper:

**S.J.R. 1705**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to make technical corrections and conforming changes to the General Statutes and Session Laws.

Referred to **Judiciary II Committee**.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**H.B. 1827**, a bill to repeal the exemption of Beaufort County from certain provisions of law relating to the appointment of commissioners of a public housing authority.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 1838** (Committee Substitute), a bill to provide for the nonpartisan election of the Onslow County Board of Education, subject to a referendum.

Referred to **Constitution and Election Laws Committee.**

**H.B. 1868**, a bill to remove the sunset on the Chapter 20 enforcement for Seven Lakes in Moore County.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re–referred to the **Judiciary I Committee.**

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 9, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House of Representatives has confirmed the appointment of Mr. Edward Renfrow as the State Controller in compliance with the provisions of G.S. 143B–426.37(b).

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

The Chair declares the appointment by the Governor of Mr. Edward Renfrow as State Controller confirmed and orders the statutory notification pursuant to G.S. 143–47.7.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 1632**, a bill to incorporate into the Charter of the City of Asheville an agreement making a full and final settlement of disputed matters relating to the amount of franchise tax due the City by two public utilities, upon second reading.

The bill passes its second reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Cochrane, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Tally, Ward, Warren,

Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 13, for further consideration upon third reading.

**S.B. 1409**, a bill to remove the sunset on an act to permit the County of Cabarrus to condemn certain property of private condemnors.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

**S.B. 1665**, a bill to exempt Surry County from certain statutory requirements in the construction of facilities at the Surry County landfill.

On motion of Senator Folger, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

**S.B. 1667** (Committee Substitute), a bill authorizing Union County to establish a tourism board for the promotion of travel and tourism within Union County.

The Committee Substitute bill passes its second reading.

Senator Soles objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Monday, June 13, for further consideration, upon third reading.

**S.B. 1663**, a bill to authorize the issuance of thirty–five million dollars of State Parks bonds or notes and to appropriate the proceeds of these bonds and notes for specific State Parks capital improvement projects and land acquisition in accordance with the recommendations of the Department of Environment, Health, and Natural Resources, upon second reading.

On motion of Senator Kaplan, the bill is re–referred to the **Capital Expenditures and Improvements Committee.**

## APPOINTMENT OF CONFERENCE COMMITTEE

**H.B. 80** (Senate Committee Substitute), a bill to reduce the time allowed the Department of Revenue to make assessments of taxes following a federal determination, to reinstate an inadvertently deleted provision relating to assessments for employer withholding based on federal determinations, and to clarify the assessment statutes.

Pursuant to the message from the House of Representatives received Wednesday, June 8, requesting conferees and the motion of Senator Winner of Buncombe prevailing on that the Senate do appoint conferees, the President Pro Tempore appoints Senators Winner of Buncombe (Chairman), Kerr, and Cooper, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## CALENDAR (Continued)

**S.B. 1425**, a bill to extend the expiration of the requirement that just compensation be paid for the removal by local authorities of billboards on interstate and federal–aid primary highways, as required by federal law.

On motion of Senator Lee, Committee Amendment No. 1 is adopted.

Senator Ballance offers Amendment No. 2 which proposes to change the title to read **S.B. 1425** a bill to extend the expiration of the requirement that just compensation be paid for the removal by local authorities of billboards on interstate and federal–aid primary highways, as required by federal law, and to require just compensation for the taking of property rights by local government in this State.

Senator Gulley rises to a point of order as to Amendment No. 2, offered by Senator Ballance, being germane to the bill. The Chair rules Amendment No. 2 not germane to the bill and orders the Amendment returned to the sponsor.

The bill, as amended, passes its second (44–1) and third readings and is ordered engrossed and sent to the House of Representatives.

**S.B. 1473** (Committee Substitute), a bill to address motor fuel tax evasion.

The Committee Substitute bill passes its second reading (43–0).

Senator Daniel objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Monday, June 13, for further consideration, upon third reading.

**S.B. 1667** (Committee Substitute), a bill authorizing Union County to establish a tourism board for the promotion of travel and tourism within Union County, placed earlier today on the Calendar for Monday, June 13, upon third reading.

Senator Soles withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of Monday, June 13, and placed before the Senate for further consideration upon its third reading.

Senator Soles offers Amendment No. 1 which is adopted (43–0) which changes the title to read **S.B. 1667** (Committee Substitute), a bill authorizing Union and Columbus Counties to establish a tourism board for the promotion of travel and tourism within the county.

The Committee Substitute bill, as amended, passes its third reading (40–0) and is ordered engrossed and sent to the House of Representatives.

**H.B. 1642**, a bill to change the time by which the North Carolina Utilities Commission and the Public Staff provide biennial natural gas service reports to the Joint Legislative Utility Review Committee, as recommended by the Joint Legislative Utility Review Committee.

The bill passes its second (44–0) and third readings and is ordered enrolled.

**S.B. 1473** (Committee Substitute), a bill to address motor fuel tax evasion, placed earlier today on the Calendar for Monday, June 13, upon third reading.

Senator Daniel withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of Monday, June 13, and placed before the Senate for further consideration upon its third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

## PETITION

Pursuant to the North Carolina Constitution Article 1, Section 12, the Buncombe County/UNC Fair Association, Inc., respectfully petitions the North Carolina General Assembly of the 1994 Short Session. With no motion offered, the President orders the copy of the Petition filed in the Office of the Principal Clerk.

## INTRODUCTION OF BILL

**S.B. 1631,** a bill to provide standards for use by local governments in the review of applications for permits or for substantial amendments to permits for sanitary landfills in order to ensure that local government review of permit applications meets Constitutional requirements, as recommended by the Environmental Review Commission, filed for introduction on May 31 and ordered held in the Office of the Principal Clerk for an enabling resolution pursuant to Resolution 31.

Senator Sands offers a motion the bill be taken from the Office of the Principal Clerk and presented to the Senate, which motion prevails.

The Chair rules the bill a recommendation of a study commission and eligible for consideration under Resolution 31.

The bill is read the first time and referred to the **Environment and Natural Resources Committee.**

On motion of Senator Basnight, seconded by Senator Ballance, the Senate adjourns at 2:31 P.M. to meet Monday, June 13, at 8:00 P.M.

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# ONE HUNDRED TWENTY-FIRST DAY

SENATE CHAMBER,
Monday, June 13, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, Holy Scripture promises those of us who believe in You, that the works You do, we shall do also, and even greater works shall we do. That promise is both encouraging and humbling.

"As the Senate begins a new week, enable us to do and be more than we could ever think or imagine. Dwell within each of us and make us strong in order to do Your Work and Your Will in this place. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of Thursday, June 9, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Folger and to Senator Winner of Mecklenburg.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 1642**, an act to change the time by which the North Carolina Utilities Commission and the Public Staff provide biennial natural gas service reports to the Joint Legislative Utility Review Committee, as recommended by the Joint Legislative Utility Review Committee. (Ch. 560) (See pages 1249 and 1320 of the Journal of the 1993 Session of the General Assembly, First Regular Session and page 7 of the Journal of the 1993 Session of the General Assembly, Second Regular Session)

**H.B. 233** (Senate Committee Substitute), an act to require licensure of marriage and family therapists. (Ch. 564)

## INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Walker, Allran, Ballance, Ballantine, Cochrane, Conder, Edwards, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hyde, Jordan, Kaplan, Kerr, Lee, Lucas, Martin of Guilford, Odom, Plexico, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, and Winner of Mecklenburg:

**S.B. 1706**, a bill to phase out of State sales tax on food.

Referred to **Finance Committee**.

By Senator Johnson:

**S.B. 1707**, a bill to amend the setoff debt collection act to require the Department of Human Resources to submit certain debts for collection by setoff against the debtors' State income tax refunds.

Referred to **Judiciary II Committee** and upon a favorable report, re–referred to the **Finance Committee**.

By Senator Kaplan:

**S.B. 1708**, a bill to appropriate funds to authorize the Legislative Research Commission to study various issues relating to regional councils of governments.

Referred to **Appropriations Committee**.

By Senator Seymour:

**S.J.R. 1709**, a joint resolution providing for the confirmation of the appointment of Hugh Wells made by the Governor to membership on the North Carolina Utilities Commission.

Referred to **Public Utilities Committee.**

By Senators Walker and Hoyle:

**S.B. 1710**, a bill to provide for the purchase of prior service retirement credits for employment with the General Assembly.

Referred to **Pensions and Retirement Committee**.

By Senator Perdue:

**S.J.R. 1711**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to provide that Pamlico County may join the Global TransPark Development Zone.

Referred to **Economic Development/Travel and Tourism Committee** and upon a favorable report, re–referred to the **Rules and Operation of the Senate Committee**.

By Senator Winner of Mecklenburg:

**S.B. 1712**, a bill to conform North Carolina laws regarding the establishment of child paternity to certain federal law requirements by amending the North Carolina laws of evidence relating to the manner of contesting blood or genetic marker tests in the trial of civil actions in which the question of parentage arises; by providing for the entry of judgment by default in paternity actions when the defendant fails to file answer; and, by giving full faith and credit to out–of–State paternity determinations regardless of method of establishment.

Referred to **Judiciary II Committee** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senator Plexico:

**S.B. 1713**, a bill to restore the soft drink tax exemption for natural juice with no additives other than vitamins, minerals, or sugar.

Referred to **Finance Committee**.

By Senators Sands, Albertson, Jordan, Kerr, and Parnell:

**S.B. 1714**, a bill to provide for standardization of citrus fruit through inspection and to levy an excise tax on citrus fruit at the rate of two cents per fruit.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re–referred to the **Finance Committee**.

By Senator Sherron:

**S.B. 1715**, a bill to appropriate funds to establish the Institute of Technology Training in the Office of the State Controller.

Referred to **Appropriations Committee**.

By Senator Perdue:

**S.B. 1716**, a bill to transfer the North Carolina State Ports Authority to the Department of Transportation, to abolish the North Carolina Ports Railway Commission, and to amend the responsibilities of the Board of Transportation.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re–referred to the **Appropriations Committee** and upon a favorable report, re–referred to the **Finance Committee**.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**H.B. 1552**, a bill to make permanent the exemption for real estate acquired by the Department of Transportation from the requirement that it be appraised by a licensed or certified appraiser when the estimated value of the real estate is less than ten thousand dollars.

Referred to **Transportation Committee** and upon a favorable report, re–referred to the **Finance Committee**.

**H.B. 1592**, a bill to clarify the duty of the City Attorney of the City of New Bern when an insurance carrier can provide defense to the City.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 1727**, a bill relating to service of complaints and orders in housing code cases.

Referred to **Local Government and Regional Affairs Committee.**

**H.B. 1742**, a bill to increase the size of the Civil Service Board for the City of New Bern, and to provide for staggered terms on that Board.

Referred to **Local Government and Regional Affairs Committee.**

**H.B. 1755**, a bill to make it a criminal offense to practice phrenology, palmistry, fortune telling, clairvoyance, and other similar crafts in Wayne County.

Referred to **Judiciary I Committee**.

**H.B. 1955**, a bill concerning zoning classifications in the City of Winston–Salem and Forsyth County.

Referred to **Local Government and Regional Affairs Committee.**

**H.B. 1956**, a bill concerning zoning by the City of Winston–Salem and Forsyth County.

Referred to **Local Government and Regional Affairs Committee.**

## CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

**S.B. 1632**, a bill to incorporate into the Charter of the City of Asheville an agreement making a full and final settlement of disputed matters relating to the amount of franchise tax due the City by two public utilities, upon third reading.

The bill passes its third reading by roll–call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S.B. 1418** (Committee Substitute), a bill to reorganize education reports and to make technical and clarifying changes to the education laws.

The Committee Substitute bill passes its second (48–0) and third readings and is ordered sent to the House of Representatives.

The Senate stands at ease and the President *Pro Tempore* recognizes the following pages serving in the Senate this week: Christen A. Batchelor, Raleigh; Ryan Kinlaw Bennett, Kill Devil Hills; Douglas Bruce Biggs, Elizabeth City; Tom Blanchard, Manteo; Rachael A. Cooper, Southern Shores; Missy Erwin, Charlotte; Ryan Hamrick, Shelby; Jill Diane Harper, Greensboro; Stephanie Joyce Harper, Greensboro; Carol King, Apex; Brandy Lawrentz, Kitty Hawk; Seth A. Lockman, Lincolnton; Amy Olson, Raleigh; Andrea Saputo, Rocky Mount; Nikisha LaShawne Small, Durham; Micheal Chadwick Smith, Hudson; Will Strader, Ruffin; Jason Summerton, Kitty Hawk; Whitney R. Taylor, Gastonia; John Francis Weeks IV, Elizabeth City; Brandi Whitley, Monroe; Davidson Wicker, Greensboro; Hannah Burrus Williams, Avon; and Jacqueline Blair Williams, Raleigh; and Lee McKenzie, Adams Run, South Carolina.

**S.B. 1563** (Committee Substitute), a bill to require that information to be reported concerning campaign contributors shall include occupation, employer's name, and business address.

Senator Plexico offers Amendment No. 1 which is adopted (41–6), further changing the title to read **S.B. 1563** (Committee Substitute), a bill to require that information to be reported concerning campaign contributors shall include occupation, employer's name, and business address; and to change the limitation on contributions.

After lengthy debate, the Committee Substitute bill, as amended, passes its second reading (40–7).

Senator Shaw objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Tuesday, June 14, for further consideration, upon third reading.

On motion of Senator Soles, seconded by Senator Warren, the Senate adjourns at 9:46 P.M. to meet tomorrow, Tuesday, June 14, at 1:30 P.M.

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## ONE HUNDRED TWENTY-SECOND DAY

SENATE CHAMBER,
Tuesday, June 14, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. R.W. Styles, Minister of Apple Street First Baptist Church, Burlington, as follows:

"O Thou, Who Art beyond our sight, above our thought, infinite, eternal, and unchangeable; Thy Wisdom shines in all Thy Works, Thy Glory shown in Thy Goodness to men, and Thy Grace and Truth are revealed in Christ. May Thy Mercy and Blessing, O Father of all, rest upon our State, upon all the powers which Thou hast ordained over us; our Governor and all in authority under him. We invoke Thy Blessing upon this Session of the North Carolina Senate. Bless and guide our Senators that they may order all things; wisdom, righteousness, and peace. Grant them grace to use Thy good gifts as faithful stewards for the welfare of mankind and the Glory of Thy Name through Jesus Christ our Lord. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, June 13, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Winner of Mecklenburg.

### REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

**H.B. 382** (Committee Substitute No. 2), a bill to amend the statutes regulating professional engineers and land surveyors, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the proposed Senate Committee Substitute bill 1356 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Finance Committee**.

**H.B. 977** (Committee Substitute), a bill to amend the Entry of Judgment Rule, Rule 58 of the Rules of Civil Procedure, as requested by the North Carolina Bar Association, with an unfavorable report as to the Committee Substitute bill, but favorable as to the Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 5328 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 15, for further consideration upon its passage.

**H.B. 619**, a bill to delay the sunset on the Notice of Settlement Act, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 3401, which changes the title, upon concurrence, to read **H.B. 619** (Senate Committee Substitute), a bill to make permanent the law regarding attorneys' fees in actions relating to liens on real property, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 15, for further consideration upon its passage.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**S.B. 508**, a bill to provide the same legal authority and limited liability to immigration and naturalization service agents who work with State and local officers as is accorded other federal officers, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 508** (House Committee Substitute), a bill to provide the same legal authority and limited liability to immigration and naturalization service officers who work with State or local officers as are accorded other federal officers.

Recommitted to **Judiciary II Committee.**

**H.B. 1957**, a bill relating to disqualification of contractors from bidding on construction contracts of the City of Winston–Salem.

Referred to **Local Government and Regional Affairs Committee.**

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 1185** (Committee Substitute No. 2), a bill to establish the Uninsured Employers' Fund to provide compensation for certain injured employees whose employers failed to secure the payment of compensation and to require carriers to contribute to this Fund, upon second reading.

Senator Conder offers Amendment No. 1 which is adopted (49–0), changing the title to read **S.B. 1185** (Committee Substitute No. 2), a bill to establish the Uninsured Employers' Fund to provide compensation for certain injured employees whose employers failed to secure the payment of compensation, to require carriers to contribute to this Fund, and to clarify that the Commissioner of Insurance has the authority to conduct investigations to determine if employers are complying with the workers' compensation insurance coverage requirements.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll–call vote, ayes 42, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carpenter, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe–42.

Voting in the negative: Senators Allran, Ballantine, Blackmon, Cochrane, Forrester, Kincaid, and Sherron—7.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, June 15, for further consideration upon third reading.

**H.B. 550** (Senate Committee Substitute), a bill to make improvements to the Mining Act of 1971, as amended.

Senator Kerr offers Amendment No. 2 which is adopted (49–0).

The Senate Committee Substitute bill, as amended, passes its second reading (48–0).

Senator Kerr objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, June 15, for further consideration upon third reading.

**S.B. 1563** (Committee Substitute), a bill to require that information to be reported concerning campaign contributors shall include occupation, employer's name, and business address, as amended, upon third reading.

Senator Shaw offers Amendment No. 2 which is adopted (39–9) further changing the title to read **S.B. 1563** (Committee Substitute), a bill to require that information to be reported concerning campaign contributors shall include occupation, employer's name, and business address; and to change the limitation on contributions; and to remove the population threshold for reporting.

Senator Odom offers Amendment No. 3, and with unanimous consent, Senator Odom revises Amendment No. 3 at the desk of the Principal Clerk. The Chair directs the Reading Clerk to read Amendment No. 3 as revised.

Following lengthy debate, with unanimous consent, on motion of Senator Plexico, further consideration of the Committee Substitute bill, as amended, is postponed until tomorrow, Wednesday, June 15, with Amendment No. 3 pending.

In honor of Flag Day, led by the Lieutenant Governor, Members and guests stand and pledge allegiance to the United States of America.

On motion of Senator Basnight, seconded by Senator Conder, the Senate adjourns at 3:22 P.M. in recognition of Flag Day, to meet tomorrow, Wednesday, June 15, at 1:30 P.M.

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## ONE HUNDRED TWENTY-THIRD DAY

SENATE CHAMBER,
Wednesday, June 15, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Bill Haley, Pastor, Mt. Zion Baptist Church, Louisburg, as follows:

"Heavenly Father, we truly thank You for this day and all the wonderful opportunities of service which You have given these servants of this great Body. May Your Holy Hand of Wisdom guide them as they carry out their duties of the office to which You have given them. May Your Spirit be with them to instruct and inspire them to seize the moment of this day to achieve great things for the State of North Carolina. We ask also, Lord, for You to be with their families. We know that leadership comes with a high cost and oftentimes the families of our leaders make great sacrifices to serve. Sustain and encourage them. May we all here in North Carolina and in the United States as a whole attain the vision and accomplish the mission which You have laid before us. For we pray, Lord, in Your Name. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, June 14, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence to Senator Kincaid for tomorrow, Thursday, June 16.

### ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

**H.B. 1133**, an act to permit men who are divorced or widowed to resume use of the surname they used before marriage. (Ch. 565)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

**S.B. 1336**, a bill to allow service of process by a private process server when a proper officer returns service of process unexecuted, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 1807, which changes the title to read **S.B. 1336** (Committee Substitute), a bill to allow service of process by a private process server when process is returned unexecuted, is placed before the Senate for immediate consideration, and on his further motion, is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 16, for further consideration upon its passage.

**S.B. 1630**, a bill to make technical corrections and to make clarifying and conforming changes to various criminal statutes, and to repeal various criminal laws that are obsolete or redundant, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 4788 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 16, for further consideration upon its passage.

By Senator Walker for the **Children and Human Resources Committee:**

**S.J.R. 1678**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a joint resolution honoring the veterans of North Carolina who served during World War II, with a favorable report.

Pursuant to Rule 43, the joint resolution is re–referred to **Rules and Operation of the Senate Committee**.

**S.B. 1384**, a bill to implement recommendations of the Joint Legislative Oversight Committee on Early Childhood Education and Development Initiatives to change the selection process for local demonstration projects, to allow the Department of Human Resources to delegate contracting authority to local partnerships, the North Carolina Partnership for Children, Inc. or a public or governmental entity, to require local partnerships to be newly formed organizations, to clarify the use of State funds by local partnerships, to provide that State funds shall not supplant current expenditures by counties on behalf of young children and their families, and to make technical changes to the law governing the early childhood initiatives, with a favorable report, as amended.

By Senator Winner of Buncombe for the **Finance Committee**:

**S.B. 1323**, a bill to incorporate the Village of Lake Park in Union County, with a favorable report.

**S.B. 1331**, a bill to incorporate the Village of Marvin in Union County, with a favorable report.

**S.B. 1469**, a bill to exempt from registration and the motor fuel tax vehicles registered in another state and operated temporarily in this State by a utility provider or its contractor for the purpose of restoration of utility services in an emergency outage as recommended by the Joint Legislative Utility Review Committee, with a favorable report.

**S.B. 1653**, a bill to amend the Charter of the City of Durham to authorize the acquisition of property that fails to meet the minimum housing code in order to

provide housing for persons with low or moderate incomes, as amended by the **Local Government and Regional Affairs Committee**, with a favorable report.

**S.B. 1700**, a bill to establish the percentage rates for the insurance regulatory charge and the public utility regulatory fee, with a favorable report.

**S.B. 1471**, a bill to provide an expedited procedure for creation of county water and sewer districts after failure of low–pressure pipe sewer systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee, with a favorable report, as amended.

By Senator Kaplan for the **Capital Expenditures and Improvements Committee:**

**S.B. 1663**, a bill to authorize the issuance of thirty–five million dollars of State Parks bonds or notes and to appropriate the proceeds of these bonds and notes for specific State Parks capital improvement projects and land acquisition in accordance with the recommendations of the Department of Environment, Health, and Natural Resources, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kaplan, the rules are suspended, and the proposed Committee Substitute bill 5834, which changes the title to read **S.B. 1663** (Committee Substitute), a bill to authorize the issuance of thirty–five million dollars of State Parks bonds or notes and to appropriate the proceeds of these bonds and notes for specific State Parks capital improvement projects and land acquisition, is placed before the Senate for immediate consideration.

On motion of Senator Kaplan, the Committee Substitute bill is adopted, and on his further motion is referred to the **Appropriations Committee**.

By Senator Folger for the **Local Government and Regional Affairs Committee**:

**S.B. 1652,** a bill to authorize the City Council of the City of Durham to delegate to the City Manager authority to approve applications for payment of facilities fees in installments, with a favorable report.

Pursuant to Rule 43, the bill is referred to the **Finance Committee**.

**S.B. 1669**, a bill to authorize the County of Mecklenburg to purchase telecommunications, data processing, and data communications equipment, supplies, and services on a request for proposal basis, with a favorable report.

**S.B. 1671**, a bill to allow the County of Mecklenburg to waive bid bonds on public contracts, with a favorable report.

**S.B. 1681**, a bill to allow the Goldsboro–Wayne Airport Authority to lease property to the City of Goldsboro, Wayne County, or Wayne Community College under general law, with a favorable report.

**S.B. 1650,** a bill to modify the distribution of alcoholic beverage control profits for the Town of Granite Falls, with a favorable report.

**S.B. 1562**, a bill to modify the distribution of profits from the ABC system in the City of Hendersonville, with a favorable report, as amended.

**S.B. 1670**, a bill to delete the city residency requirement for members of the Civil Service Board of the City of Charlotte, with a favorable report, as amended.

**S.B. 1682**, a bill to make further sundry amendments relating to local governments in Orange and Chatham Counties, with a favorable report, as amended.

**S.B. 1684**, a bill to authorize the Mecklenburg County Manager and the Charlotte City Manager to award contracts for the purpose of purchasing apparatus, supplies, materials, or equipment regardless of the amount, and for construction projects under a certain amount, provided there are sufficient appropriated unencumbered funds, with a favorable report, as amended.

On motion of Senator Folger, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re–referred to the **Finance Committee**.

**S.B. 1685**, a bill to authorize the City of Kinston to levy a room occupancy and tourism development tax, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re–referred to the **Finance Committee**.

**H.B. 1644**, a bill to allow Avery County to acquire property for use by the County Board of Education, with a favorable report, as amended.

By Senator Hyde for the **Constitution and Election Laws Committee**:

**S.B. 1564**, a bill to amend the campaign laws to eliminate the difference in post-primary reporting by nominees and primary losers, with a favorable report.

**S.B. 1612**, a bill to amend the election campaign laws to limit the exemption from reporting the names of small contributors so that it applies only to contributors who are individuals, with a favorable report.

**S.J.R. 1629**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to amend the Constitution of North Carolina to establish rights for victims of crimes, with a favorable report.

Pursuant to Rule 43, the joint resolution is re–referred to the **Rules and Operation of the Senate Committee**.

**H.B. 1634**, a bill to provide a filing period for special elections to fill vacancies in the City of Lumberton, with a favorable report.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**S.B. 719** (House Committee Substitute), a bill to amend the fees and per diem of the Board of Medical Examiners, for concurrence in the House Committee Substitute bill.

On motion of Senator Harris, the rules are suspended, without objection, and the House Committee Substitute bill is placed at the end of today's Calendar for consideration upon concurrence.

**S.B. 872** (House Committee Substitute), a bill to provide that family care homes shall be treated as residences for purposes in addition to zoning, for concurrence in the House Committee Substitute bill.

Referred to **Children and Human Resources Committee.**

**H.J.R. 1559**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a joint resolution honoring the life and memory of Joe Max Thomas, former State Senator.

On motion of Senator Sands, without objection, the joint resolution is placed at the end of today's Calendar for consideration upon its passage.

**H.B. 1853**, a bill to authorize Caldwell Community College and Technical Institute to use part of its bond funds for water and sewer lines to the facility.

Referred to **Finance Committee.**

**H.B. 1880** (Committee Substitute), a bill to allow the Town of Beech Mountain to install sewer lines with its own crew and equipment.

Referred to **Local Government and Regional Affairs Committee.**

**H.J.R. 2105**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a joint resolution honoring the life and memory of Ray Charles Fletcher, former member of the General Assembly.

On motion of Senator Sands, without objection, the joint resolution is placed at the end of today's Calendar for consideration upon its passage.

## EXECUTIVE ORDERS

Executive Orders received (*see Appendix*) are presented to the Senate, read, and referred to committee, as follows:

**Executive Order No. 51**, North Carolina Film Council.

Referred to **Economic Development/Travel and Tourism Committee.**

**Executive Order No. 52**, Amending Executive Order Number 9 Concerning the Commission for a Competitive North Carolina.

Referred to **Economic Development/Travel and Tourism Committee.**

## REMOVAL OF ENDORSEMENT

North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27611

June 14, 1994

Mrs. Sylvia Fink
Senate Principal Clerk
State Legislative Building
Raleigh, North Carolina 27601

*Dear Mrs. Fink:*

I am writing at this time to formally withdraw my sponsorship of Senate Bill 1528 (Civil War Commission Funds).

Respectfully yours,
*S/Senator Luther Jordan*

With unanimous consent, the Senate grants the request of Senator Jordan to remove his endorsement of **S.B. 1528**, a bill to establish the Civil War Corridor Commission and to appropriate funds for the Commission.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 1185** (Committee Substitute No. 2), a bill to establish the Uninsured Employers' Fund to provide compensation for certain injured employees whose employers failed to secure the payment of compensation, to require carriers to contribute to this Fund, and to clarify that the Commissioner of Insurance has the authority to conduct investigations to determine if employers are complying with the workers' compensation insurance coverage requirements, as amended, upon third reading.

On motion of Senator Plyler, further consideration of the Committee Substitute bill No. 2, as amended, is postponed until tomorrow, Thursday, June 16.

**H.B. 619** (Senate Committee Substitute), a bill to make permanent the law regarding attorneys' fees in actions relating to liens on real property.

The Senate Committee Substitute bill passes its second (45–1) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill which changes the title upon concurrence.

**H.B. 977** (Senate Committee Substitute), a bill to amend the Entry of Judgment Rule, Rule 58 of the Rules of Civil Procedure, as requested by the North Carolina Bar Association.

Senator Cooper offers Amendment No. 1 which is adopted (45–0).

On motion of Senator Cooper, further consideration of the Senate Committee Substitute bill, as amended, is postponed until tomorrow, Thursday, June 16.

**S.B. 1563** (Committee Substitute), a bill to require that information to be reported concerning campaign contributors shall include occupation, employer's name, and business address; and to change the limitation on contributions; and to remove the population threshold for reporting, as amended, with Amendment No. 3 pending, upon third reading.

Amendment No. 3, offered by Senator Odom on Tuesday, June 14, is adopted (44–0).

Senator Kaplan offers Amendment No. 4, which is adopted (46–1).

Senator Winner of Buncombe offers Amendment No. 5, further changing the title to read **S.B. 1563** (Committee Substitute), a bill to require that information to be reported concerning campaign contributors shall include occupation, employer's name, business address and labor union membership; and to change the limitation on contributions; and to remove the population threshold for reporting. Amendment No. 5 is adopted (41–6).

Senator Simpson offers Amendment No. 6 which fails of adoption (17–30).

Senator Hyde calls the previous question, seconded by Senator Harris. The call is sustained (44–3).

The Committee Substitute bill, as amended, passes its third reading (43–5) and is ordered engrossed and sent to the House of Representatives.

**H.B. 550** (Senate Committee Substitute), a bill to make improvements to the Mining Act of 1971, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading (48–0) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, which changes the title upon concurrence.

**S.B. 719** (House Committee Substitute), a bill to amend the fees and per diem of the Board of Medical Examiners, for concurrence in the House Committee Substitute bill, placed earlier today at the end of the Calendar.

The Senate concurs in the House Committee Substitute bill (44–0) and the measure is ordered enrolled.

**H.J.R. 1559**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a joint resolution honoring the life and memory of Joe Max Thomas, former State Senator, placed earlier today at the end of the Calendar for consideration upon its passage.

The joint resolution passes its second (45–0) and third readings and is ordered enrolled.

**H.J.R. 2105**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a joint resolution honoring the life and memory of Ray Charles Fletcher, former member of the General Assembly, placed earlier today at the end of the Calendar for consideration upon its passage.

With unanimous consent, the joint resolution passes its second and third readings and is ordered enrolled.

## COMMITTEE REFERRAL

**S.B. 1089**, a bill to require the Commission for Health Services to adopt rules governing the sanitation of shelters for homeless persons, as amended by the **Children and Human Resources Committee** and referred to the **Appropriations Committee** on May 27, 1993.

Pursuant to Rule 47(b), Senator Daniel offers a motion that the bill, as amended, be taken from the **Appropriations Committee** and re–referred to the **Environment and Natural Resources Committee**, which motions prevail.

The Chair orders the bill, as amended, taken from the **Appropriations Committee** and re–refers it to the **Environment and Natural Resources Committee**.

On motion of Senator Basnight, seconded by Senator Kincaid, the Senate adjourns at 2:57 P.M. to meet tomorrow, Thursday, June 16, at 10:00 A.M.

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# ONE HUNDRED TWENTY–FOURTH DAY

SENATE CHAMBER,
Thursday, June 16, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Raegan V. May, Minister of Prospect United Methodist Church, Yanceyville, as follows:

"Almighty God, with the rising of the morning sun, we are reminded of Your Providential Care for Your Creation, and are given new opportunities to serve You by serving Your People. As we begin this new day, we seek Your Direction, Wisdom, and Grace. Especially, we pray, that You would guide and bless all who are assembled in the Senate of this State in the service of the people.

"For each person who will work today in this place, we pray for eyes open to the needs of others; we pray for hearts shaped by Your Spirit of Compassion; we pray for minds enlightened by Your Wisdom; we pray for voices inspired to speak with courage and conviction; and we pray for lives true to the highest ideals of integrity and service.

"Gracious God, so draw our hearts to You, so guide our minds, so fill our imaginations, so control our wills, that we may be wholly Yours; and then use us, we pray, for the service of others and to the Glory of Your Name. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, June 15, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence previously granted for today to Senator Kincaid is noted.

## COMMITTEE REFERRAL

**S.B. 1684**, a bill to authorize the Mecklenburg County Manager and the Charlotte City Manager to award contracts for the purpose of purchasing apparatus, supplies, materials, or equipment regardless of the amount, and for construction projects under a certain amount, provided there are sufficient appropriated unencumbered funds, as amended by the **Local Government and Regional Affairs Committee**, and referred to the **Finance Committee** on June 15.

Pursuant to Rule 47(b), Senator Winner of Buncombe offers a motion the bill, as amended, be taken from the **Finance Committee** and placed on the Calendar for today in its regular order of business for consideration upon its passage, which motions prevail.

The Chair orders the bill, as amended, taken from the **Finance Committee** and places it on the Calendar for today in its regular order of business.

## CALENDAR

**S.B. 1564**, a bill to amend the campaign laws to eliminate the difference in post-primary reporting by nominees and primary losers, on today's Calendar.

With unanimous consent, on motion of Senator Plexico, the bill is taken up out of its regular order of business, and on his further motion, consideration of the bill is postponed until Tuesday, June 21.

**S.B. 1612**, a bill to amend the election campaign laws to limit the exemption from reporting the names of small contributors so that it applies only to contributors who are individuals, on today's Calendar.

With unanimous consent on motion of Senator Plexico, the bill is taken up out of its regular order of business, and on his further motion consideration of the bill is postponed until Tuesday, June 21.

## ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolutions properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**S.B. 719** (House Committee Substitute), an act to amend the fees and per diem of the Board of Medical Examiners. (Ch. 566)

**H.J.R. 1559**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a joint resolution honoring the life and memory of Joe Max Thomas, former State Senator. (Res. 32)

**H.J.R. 2105**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a joint resolution honoring the life and memory of Ray Charles Fletcher, former member of the General Assembly. (Res. 33)

## REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee**:

**S.B. 1403**, a bill to create a Blue Ribbon Advisory Council to study and make recommendations concerning policies and management of the State's oyster resources, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the proposed Committee Substitute bill 9864 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

**S.B. 1436**, a bill to create a separate crab license in Chapter 113 of the General Statutes, to establish a two–year moratorium on specified fishing licenses, and to appropriate funds to study the fishery during the moratorium, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the proposed Committee Substitute bill 4789 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

**S.B. 1437**, a bill to extend time for the resolution of claims to land under navigable waters, with a favorable report.

By Senator Speed for the **Transportation Committee**:

**S.B. 1511**, a bill to provide for special registration plates for supporters of professional sports teams, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**S.B. 1579**, a bill to make technical, conforming, and administrative changes to the motor vehicle laws and other laws concerning the Department of Transportation, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the bill, as amended, engrossed and referred to the **Finance Committee**.

**S.B. 1566**, a bill to provide for uniform drivers license and vehicle registration information, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed the proposed Committee Substitute bill 4790, which changes the title to read **S.B. 1566** (Committee Substitute), a bill to provide for uniform drivers license and vehicle registration information and to amend the window tinting law, is placed before the Senate for immediate consideration.

On motion of Senator Speed the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee**.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**S.B. 803**, a bill to clarify the laws relating to the State's jurisdiction over providers of health care benefits, for concurrence in House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 803** (House Committee Substitute), a bill to clarify the laws relating to the State's jurisdiction over providers of health care benefits, to make technical and other amendments to the provisions of the Health Care Reform Act of 1993 concerning small employer health plans, and to make technical amendments to and delay the implementation of the district diversity requirement under the Psychology Practice Act.

With unanimous consent, on motion of Senator Parnell, the House Committee Substitute bill is placed on the Calendar for Tuesday, June 21.

**H.B. 2014**, a bill relating to the definition of "subdivision" for the purpose of subdivision regulation in Stanly County.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 2015**, a bill to exempt Stanly County from provisions of the North Carolina State Building Code that require building inspection departments to review residential plans.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 2048**, a bill relating to Mayland Community College's contract.

Referred to **Local Government and Regional Affairs Committee.**

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 689** House of Representatives
(Senate Committee Substitute) June 15, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **HB 689**, A BILL TO BE ENTITLED AN ACT TO CREATE A NEW OFFENSE OF THIRD DEGREE TRESPASS, and requests conferees. The Speaker has appointed Representative Barnes, Representative Jarrell, and Representative Holmes on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Senator Simpson offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Ballance (Chairman), Simpson, and Folger, as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 1650,** a bill to modify the distribution of alcoholic beverage control profits for the Town of Granite Falls.

With unanimous consent, on motion of Senator Folger, the bill is taken up out of its regular order of business.

On motion of Senator Folger, consideration of the bill is postponed until Monday, June 20.

**S.B. 1323**, a bill to incorporate the Village of Lake Park in Union County, upon second reading.

The bill passes its second reading by roll–call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—49.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 20, for further consideration upon third reading.

**S.B. 1331**, a bill to incorporate the Village of Marvin in Union County, upon second reading.

The bill passes its second reading by roll–call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—49.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 20, for further consideration upon third reading.

**S.B. 1653**, a bill to amend the Charter of the City of Durham to authorize the acquisition of property that fails to meet the minimum housing code in order to provide housing for persons with low or moderate incomes, as amended, upon second reading.

The bill, as amended, passes its second reading by roll–call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—49.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for Monday, June 20, for further consideration upon third reading.

**S.B. 1562**, a bill to modify the distribution of profits from the ABC system in the City of Hendersonville.

On motion of Senator Folger, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (49–0) and third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 1669**, a bill to authorize the County of Mecklenburg to purchase telecommunications, data processing, and data communications equipment, supplies, and services on a request for proposal basis.

The bill passes its second (49–0) and third reading and is ordered sent to the House of Representatives.

**S.B. 1670**, a bill to delete the city residency requirement for members of the Civil Service Board of the City of Charlotte.

On motion of Senator Folger, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (49–0) and third readings and is ordered engrossed and sent to the House of Representatives.

**S.B. 1671**, a bill to allow the County of Mecklenburg to waive bid bonds on public contracts.

The bill passes its second (49–0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1681**, a bill to allow the Goldsboro–Wayne Airport Authority to lease property to the City of Goldsboro, Wayne County, or Wayne Community College under general law.

The bill passes its second (49–0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1682**, a bill to make further sundry amendments relating to Local Governments in Orange and Chatham Counties.

On motion of Senator Folger, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (49–0) and third readings and is ordered engrossed and sent to the House of Representatives.

**S.B. 1684**, a bill to authorize the Mecklenburg County Manager and the Charlotte City Manager to award contracts for the purpose of purchasing apparatus, supplies, materials, or equipment regardless of the amount, and for construction projects under a certain amount, provided there are sufficient appropriated unencumbered funds, as amended by the **Local Government and Regional Affairs Committee**, and placed earlier today on the Calendar in its regular order of business for consideration upon passage.

The bill, as amended, passes its second (49–0) and third readings and is ordered sent to the House of Representatives.

**H.B. 1634**, a bill to provide a filing period for special elections to fill vacancies in the City of Lumberton.

The bill passes its second (49–0) and third readings and is ordered enrolled.

**S.B. 1185** (Committee Substitute No. 2), a bill to establish the Uninsured Employers' Fund to provide compensation for certain injured employees whose employers failed to secure the payment of compensation, to require carriers to contribute to this Fund, and to clarify that the Commissioner of Insurance has the authority to conduct investigations to determine if employers are complying with the workers' compenstation insurance coverage requirements, as amended, upon third reading.

Senator Cochrane offers Amendment No. 2, which proposes to further change the title to read, **S.B. 1185** (Committee Substitute No. 2) a bill to establish the Uninsured Employers' Fund to provide compensation for certain injured employees whose employers failed to secure the payment of compensation, and to clarify that the Commissioner of Insurance has the authority to conduct investigations to determine if employers are complying with the workers' compensation insurance coverage requirements.

Senator Sands rises to a point of order as to Amendment No. 2 being a material amendment.

The Chair takes the point of order under advisement.

Senator Plyler offers a motion to the end further consideration of the Committee Substitute bill No. 2, as amended, with Amendment No. 2 pending be postponed until Wednesday, June 22, which motion prevails. The Chair orders the measure, as amended, placed on the Calendar for Wednesday, June 22, for further consideration upon third reading, with Amendment No. 2 pending.

**S.B. 1471**, a bill to provide an expedited procedure for creation of county water and sewer districts after failure of low–pressure pipe sewer systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee, upon second reading.

On motion of Senator Winner of Buncombe, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll–call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for Monday, June 20, for further consideration upon third reading.

**H.B. 1644,** a bill to allow Avery County to acquire property for use by the County Board of Education, upon second reading.

On motion of Senator Winner of Buncombe, the bill is re–referred to the **Finance Committee**.

**S.B. 1336** (Committee Substitute), a bill to allow service of process by a private process server when process is returned unexecuted.

Senator Marshall offers Amendment No. 1 which is adopted (47–0).

On motion of Senator Ballance the Committee Substitute bill, as amended, is recommitted to the **Judiciary I Committee**.

**S.B. 1384**, a bill to implement recommendations of the Joint Legislative Oversight Committee on Early Childhood Education and Development Initiatives to change the selection process for local demonstration projects, to allow the Department of Human Resources to delegate contracting authority to local partnerships, the North Carolina Partnership for Children, Inc. or a public or governmental entity, to require local partnerships to be newly formed organizations, to clarify the use of State funds by local partnerships, to provide that State funds shall not supplant current expenditures by counties on behalf of young children and their families, and to make technical changes to the law governing the early childhood initiatives.

On motion of Senator Walker, Committee Amendment No. 1 is adopted.

The President relinquishes the gavel to Senator Basnight, President *Pro Tempore*, who presides.

Senator Winner of Mecklenburg offers Amendment No. 2.

Senator Basnight, President *Pro Tempore*, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Amendment No. 2, offered by Senator Winner of Mecklenburg, is adopted (45–0).

Senator Simpson rises to a point of order as to the requirement of consideration by the **Appropriations Committee**, pursuant to Rule 42. The Chair fails to sustain the point of order.

On motion of Senator Blackmon, further consideration of the bill, as amended, is postponed until Tuesday, June 21.

**S.B. 1630** (Committee Substitute), a bill to make technical corrections and to make clarifying and conforming changes to various criminal statutes, and to repeal various criminal laws that are obsolete or redundant.

With unanimous consent, on motion of Senator Parnell, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Parnell, consideration of the Committee Substitute bill is postponed until Tuesday, June 21.

**H.B. 977** (Senate Committee Substitute), a bill to amend the Entry of Judgment Rule, Rule 58 of the Rules of Civil Procedure, as requested by the North Carolina Bar Association, as amended.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Cooper, consideration of the Senate Committee Substitute bill, as amended, is postponed until Wednesday, June 22.

**S.B. 1469**, a bill to exempt from registration and the motor fuel tax vehicles registered in another state and operated temporarily in this State by a utility provider or its contractor for the purpose of restoration of utility services in an emergency outage as recommended by the Joint Legislative Utility Review Committee.

The bill passes its second (43–0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1700**, a bill to establish the percentage rates for the insurance regulatory charge and the public utility regulatory fee.

The Chair rules the bill requires a call of the roll.

The bill passes its second reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 20, for further consideration upon third reading.

On motion of Senator Basnight, seconded by Senator Sherron, the Senate adjourns at 12:54 P.M. to meet Monday, June 20, at 8:00 P.M.

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## ONE HUNDRED TWENTY–FIFTH DAY

SENATE CHAMBER,
Monday, June 20, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"This week, Dear God, help us all, so inwardly and outwardly to conduct our lives that whether we live in prosperity or adversity, we may be among the honorable company of Your true servants, who lift this world and do not lean upon it, ever working to make it a better place in which You may rear the human family. To Your Glory, we pray. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, June 16, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Ward and to Senator Perdue, who are attending the Southern Regional Education Board meeting, and to Senator Hartsell, who is attending a county commissioners' meeting.

## ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 1634**, an act to provide a filing period for special elections to fill vacancies in the City of Lumberton. (Ch. 567)

**S.J.R. 1616**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to make technical changes in G.S. 58–57–100 to further define automobile physical damage insurance and to make a conforming change. (Res. 34)

## REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Johnson for the **State Personnel and State Government Committee**:

**S.B. 1716**, a bill to transfer the North Carolina State Ports Authority to the Department of Transportation, to abolish the North Carolina Ports Railway Commission, and to amend the responsibilities of the Board of Transportation, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson, the proposed Committee Substitute bill 5837, which changes the title to read **S.B. 1716** (Committee Substitute), a bill to transfer the North Carolina State Ports Authority and the North Carolina Ports Railway Commission to the Department of Transportation and to amend the responsibilities of the Board of Transportation, is placed before the Senate for immediate consideration.

On motion of Senator Johnson, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee** and upon a favorable report, re–referred to the **Finance Committee**.

## INTRODUCTION OF BILLS AND RESOLUTIONS

Resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Folger and Sands:

**S.J.R. 1717**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a joint resolution honoring the City of Mount Airy on being named an All America City.

On motion of Senator Folger, the joint resolution is placed before the Senate for immediate consideration upon its passage.

The joint resolution passes its second (44–0) and third readings and, on motion of Senator Folger, is ordered, with unanimous consent, sent to the House of Representatives by special messenger.

By Senators Plyler and Conder:

**S.J.R. 1718**, a joint resolution honoring the life and memory of Joe Max Thomas, former State Senator.

Referred to **Rules and Operation of the Senate Committee**.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**H.B. 1589** (Committee Substitute), a bill to reorganize education reports, to clarify the terms for a scholarship loan under the Principal Fellows Program and to make technical and clarifying changes to the education laws.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee**.

**H.B. 1591**, a bill to provide that the City of New Bern may not make involuntary annexations across the Trent River, and to exempt that City from limitations on the total area of satellite annexations.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee**.

**H.B. 1925**, a bill to exempt Surry County from certain statutory requirements in the construction of facilities at the Surry County Landfill.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 1926**, a bill to allow Brunswick County to acquire property for use by the County Board of Education, and to provide for the use of county owned property by schools in certain counties.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee**.

**H.B. 1938**, a bill to change the audits of ABC profits of the Hamlet Board of Alcoholic Control from quarterly to annually.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 1950**, a bill to authorize the City of Durham, the County of Durham, and the Durham Public Schools to dispose of personal property.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 1961** (Committee Substitute No. 2), a bill to encourage the voluntary remediation of contaminated sites, as recommended by the Environmental Review Commission.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re–referred to **Judiciary I Committee.**

**H.B. 1964**, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue Tyrrell County weapon permits.

Referred to **Judiciary I Committee.**

**H.B. 1970**, a bill to amend the Charter of the City of Raleigh as it relates to certain purchases and leases of real property by City employees.

Referred to **Local Government and Regional Affairs Committee.**

**H.B. 1979**, a bill to advance the effective date of an act authorizing the merger of the Towns of Hazelwood and Waynesville.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 1984** (Committee Substitute), a bill to exempt Franklin County from certain statutory requirements in certain construction contracts.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Capital Expenditures and Improvements Committee.**

**H.B. 1997**, a bill relating to investments of the City of Durham.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 1998**, a bill relating to the investments of the County of Durham.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 2024**, a bill to allow the City of Washington to declare its no–wake law inapplicable during certain special events.

Referred to **Judiciary II Committee.**

**H.B. 2055**, a bill to amend the Charter of the City of Raleigh to allow the Council to provide special elections for the filling of vacancies.

Pursuant to Resolution 31, Section 1(4), the bill is ordered held in the Office of the Principal Clerk.

## CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

**S.B. 1323**, a bill to incorporate the Village of Lake Park in Union County, upon third reading.

The bill passes its third reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hyde, Johnson, Kaplan, Kerr, Kincaid, Lee,

Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S.B. 1331**, a bill to incorporate the Village of Marvin in Union County, upon third reading.

The bill passes its third reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hyde, Johnson, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S.B. 1653**, a bill to amend the Charter of the City of Durham to authorize the acquisition of property that fails to meet the minimum housing code in order to provide housing for persons with low or moderate incomes, as amended, upon third reading.

The bill, as amended, passes its third reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hyde, Johnson, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives.

## REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

**H.B. 988** (Committee Substitute No. 2), a bill to amend the Licensure Act for speech and language pathologists and audiologists to exempt certain assistant personnel from the licensure requirement if they are registered with the Board by their employer, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the proposed Senate Committee Substitute bill 4326 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Finance Committee**.

**CALENDAR** (Continued)

**S.B. 1650,** a bill to modify the distribution of alcoholic beverage control profits for the Town of Granite Falls.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1471**, a bill to provide an expedited procedure for creation of county water and sewer districts after failure of low–pressure pipe sewer systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee. as amended, upon third reading.

The bill, as amended, passes its third reading by roll–call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hyde, Johnson, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

**S.B. 1700**, a bill to establish the percentage rates for the insurance regulatory charge and the public utility regulatory fee, upon third reading.

The bill passes its third reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hyde, Johnson, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S.B. 1437**, a bill to extend time for the resolution of claims to land under navigable waters.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives.

## REPORTS TO THE GENERAL ASSEMBLY

Agencies directed to report to the General Assembly submit reports (*See Appendix*) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 919 of the 1991 Session Laws, the Office of State Personnel submits the 1993 Equal Employment Opportunity Status Report.

Pursuant to G.S. 143B–152.10, the North Carolina Department of Human Resources submits the Family Resource Center Grant Program Progress Report.

The President recognizes the following pages serving in the Senate this week: Ryan J. Adams, Angier; Dana Leighann Ayscue, Henderson; Nicole Baker, Belvidere; Ashley Barber, Washington; Norman Adam Brown, Wilmington; Leigh Butler, Snow Hill; Jason M. Cogdill, Buies Creek; Misty Ann Dalton, Graham; Mary Agnes Dix, Asheboro; Allison Hedgecock, Burlington; Jennifer Hedgecock, Burlington; Rebecca Harris Jenson, Apex; Darrell Shane Jones, Denver; Jamie K. Joyner, Rockingham; Catherine Morgan, Washington; Kathryn Elizabeth Odom, Fayetteville; Crystal Outlaw, Monroe; Dan Miller Pleasant Jr., Purley; Phyllis Stanette Rickard, Engelhard; Michael Allen Schneider, Denver; Sara Jeneane Singleton, Washington; Judith Jeannette Tunstall, Washington; Melissa Anne Umphlett, Hertford; Bayley Seton Von Suskil, Kitty Hawk; and Braden Walsh, Asheboro.

On motion of Senator Basnight, seconded by Senator Richardson, the Senate adjourns at 8:40 P.M. to meet tomorrow, Tuesday, June 21, at 1:30 P.M.

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## ONE HUNDRED TWENTY-SIXTH DAY

SENATE CHAMBER,
Tuesday, June 21, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. Pinky Bender, Minister of McQuay Memorial Presbyterian Church, Charlotte, as follows:

"Loving and merciful God, why are we here? For many of us there are other more attractive, more enticing things that call us away from this place today. But we are here, O God, because You have given us the responsibility for doing Your Work in this time, and we intend to be guided by Your Spirit in rendering accountability for our actions.

"So, here we are, asking that You surround us with Your Presence. Help us build bridges across things that clamor to separate us—our various traditions, the color of our skins, the complexities of our personalities. Help us in our deliberations today to be less sensitive to slights and more sensitive to the feelings of others.

"O God, we are here to do Your Work. We pray not for the things that separate us, but for the things that bind us together. We pray for reconciliation in spite of our differences. We pray for unity in the midst of our diversity. We pray for peace in the midst of a chaotic world.

"And now, Patient God, we thank You for this day. When we have finished the business set before us, send us from this place as ambassadors of peace to those whom we meet.

"For we pray, in the Name of the One to Whom all honors and glory is given. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, June 20, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Ward and to Senator Perdue.

## ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, duly ratified and sent to the Office of the Secretary of State:

**H.B. 550** (Senate Committee Substitute), an act to make improvements to the Mining Act of 1971. (Ch. 568)

## REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee**:

**S.B. 1465**, a bill to shorten the season for taking rabbits in Johnston County, with a favorable report.

**S.B. 1714**, a bill to provide for standardization of citrus fruit through inspection and to levy an excise tax on citrus fruit at the rate of two cents per fruit, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

By Senator Tally for the **Environment and Natural Resources Committee**:

**S.B. 1631,** a bill to provide standards for use by local governments in the review of applications for permits or for substantial amendments to permits for sanitary landfills in order to ensure that local government review of permit applications meets Constitutional requirements, as recommended by the Environmental Review Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the proposed Committee Substitute bill 6770 is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 22, for further consideration upon its passage.

**S.B. 1638**, a bill to encourage the voluntary remediation of contaminated sites, as recommended by the Environmental Review Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the proposed Committee Substitute bill 4795, which changes the title to read **S.B. 1638** (Committee Substitute), a bill to encourage the voluntary remediation of contaminated sites, as recommended by the Environmental Review Commission, and to provide that a person who knowingly makes a false statement in documents required under the solid waste laws is guilty of a misdemeanor, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 22, for further consideration.

By Senator Ballance for the **Judiciary I Committee**:

**S.B. 1517**, a bill to authorize the Commission for Health Services to adopt rules to minimize the risk of injury to children who use public swimming pools, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 4791 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill, is placed on the Calendar for Wednesday, June 22, for further consideration.

By Senator Cooper for the **Judiciary II Committee**:

**S.B. 508** (House Committee Substitute), a bill to provide the same legal authority and limited liability to immigration and naturalization service officers who work with State or local officers as are accorded other federal officers, with a favorable report as to concurrence.

## INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Parnell, Harris, Hoyle, Johnson, Kincaid, Lee, Plyler, Ward, and Warren:

**S.B. 1719**, a bill to make technical changes in G.S. 58–57–100 to further define automobile physical damage insurance and to make a conforming change.

Referred to **Insurance Committee**.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**S.B. 453**, a bill to repeal the requirement for health certificates for marriage license applicants, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read, **S.B. 453** (House Committee Substitute), a bill to repeal the requirement for health certificates for marriage license applicants and to exempt home quilters from certain requirements of Chapter 130A of the General Statutes.

Referred to **Rules and Operation of the Senate Committee**.

**S.B. 898** (House Committee Substitute), a bill to provide that an owner of an on–site land clearing and inert debris landfill does not have to obtain a State permit and to regulate such landfills, for concurrence in the House Committee Substitute bill.

Recommitted to **Environment and Natural Resources Committee**.

**S.B. 1045** (House Committee Substitute), a bill to broaden existing income tax credits for the production and installation of solar and photovoltaic equipment by increasing the amounts of the credits and extending the solar equipment credits to

include equipment that generates electricity, for concurrence in the House Committee Substitute bill.

Recommitted to **Finance Committee**.

**H.B. 1846** (Committee Substitute), a bill to allow Harnett and Lee Counties to acquire property for use by the County Boards of Education.

Referred to **Local Government Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 1972** (Committee Substitute), a bill to clarify that all data except effluent or emission data is entitled to protection as a trade secret pursuant to G.S. 132–1.2, as recommended by the Environmental Review Commission.

Referred to **Judiciary II Committee**.

**H.B. 1991**, a bill to amend the North Wilkesboro Firemen's Supplementary Fund to include certain retired fire department employees and volunteer firemen previously excluded.

Referred to **Pensions and Retirement Committee**.

**H.B. 2008**, a bill to increase the benefits of the Henderson Firemen's Supplemental Retirement System.

Referred to **Local Government Committee** and upon a favorable report, re–referred to the **Pensions and Retirement Committee.**

**H.B. 2017** (Committee Substitute), a bill to authorize the Town of Mint Hill to exercise extraterritorial jurisdiction within its sphere of influence.

Pursuant to Resolution 31, Section 1(4), the House Committee Substitute bill is ordered held in the Office of the Principal Clerk.

The Principal Clerk submits to the Senate a message from the Principal Clerk of the House of Representatives. The Chair directs the Reading Clerk to read:

**North Carolina General Assembly**

House of Representatives
State Legislative Building
Raleigh 27601–1096

June 21, 1994

Memorandum

TO: Sylvia Fink, Senate Principal Clerk
FROM: Denise Weeks, House Principal Clerk
RE: Local Bill Deadline – House Bills

Please be advised that House Bills 2006 through 2068 were introduced (filed) on June 2, 1994 in accordance with House Rule 31(a) and Resolution 31, and therefore, are eligible for consideration in the 1994 Session of the General Assembly.

## REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (*See Appendix*) which is ordered placed on file in the Legislative Library, as follows:

The North Carolina Department of Revenue, along with the Office of the State Controller, and the Office of State Budget and Management, submits the *State of North Carolina Summary of Financial Condition, May 31, 1994.*

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 1384**, a bill to implement recommendations of the Joint Legislative Oversight Committee on Early Childhood Education and Development Initiatives to change the selection process for local demonstration projects, to allow the Department of Human Resources to delegate contracting authority to local partnerships, the North Carolina Partnership for Children, Inc. or a public or governmental entity, to require local partnerships to be newly formed organizations, to clarify the use of State funds by local partnerships, to provide that State funds shall not supplant current expenditures by counties on behalf of young children and their families, and to make technical changes to the law governing the early childhood initiatives, as amended.

On motion of Senator Winner of Mecklenburg, further consideration of the bill, as amended, is postponed until tomorrow, Wednesday, June 22.

**S.B. 1564**, a bill to amend the campaign laws to eliminate the difference in post-primary reporting by nominees and primary losers.

Senator Plexico offers Amendment No. 1 which is adopted (43–3), changing the title to read **S.B. 1564**, a bill to amend the campaign laws to change the system of post-primary reporting for statewide nonjudicial candidates.

The bill, as amended, passes its second (44–2) and third readings and is ordered engrossed and sent to the House of Representatives.

**S.B. 1612**, a bill to amend the election campaign laws to limit the exemption from reporting the names of small contributors so that it applies only to contributors who are individuals.

The bill passes its second (47–1) and third readings and is ordered sent to the House of Representatives.

**S.B. 1630** (Committee Substitute), a bill to make technical corrections and to make clarifying and conforming changes to various criminal statutes, and to repeal various criminal laws that are obsolete or redundant.

Senator Parnell offers Amendment No. 1 which is adopted (47–0).

Senator Winner of Buncombe offers Amendment No. 2 which is adopted (47–0).

The bill, as amended, passes its second (47–0) and third readings and is ordered engrossed and sent to the House of Representatives.

**S.B. 803**, a bill to clarify the laws relating to the State's jurisdiction over providers of health care benefits, for concurrence in the House Committee Substitute bill, which changes the title upon concurrence, to read **S.B. 803** (House Committee Substitute), a bill to clarify the laws relating to the State's jurisdiction over providers of health care benefits, to make technical and other amendments to the provisions of the Health Care Reform Act of 1993 concerning small employer health plans, and to make technical amendments to and delay the implementation of the district diversity requirement under the Psychology Practice Act.

The Senate concurs in the House Committee Substitute bill (47–0), which changes the title, and the measure is ordered enrolled.

## COMMITTEE REFERRAL

**S.B. 491**, a bill to implement a recommendation of the Child Fatality Task Force to appropriate funds to provide for family preservation services in every county, referred to the **Appropriations Committee** on March 16, 1993.

Pursuant to Rule 47(b), Senator Plyler offers a motion the bill be recalled from the **Appropriations Committee** and re–referred to the **Judiciary II Committee**, which motions prevail.

The Chair orders the bill taken from the **Appropriations Committee** and re–refers it to the **Judiciary II Committee**.

On motion of Senator Basnight, seconded by Senator Kaplan, the Senate adjourns at 2:17 P.M. to meet tomorrow, Wednesday, June 22, at 1:30 P.M.

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# ONE HUNDRED TWENTY–SEVENTH DAY

SENATE CHAMBER,
Wednesday, June 22, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our Lord and God, in the Seventeenth Century, Sir Thomas Brown wrote:

I oft have heard of Lydford law,
How in the morn they hang and draw
And sit in judgment after.

"Guard us each day from the temptation of rushing to judgment. We confess, O Lord, the ease with which we sometimes act as vigilantes, hanging someone or an issue in the morning, and acting as jurists later.

"Rushing to judgment can happen in the boardroom, the conference room, or in our living rooms. It can happen with friends, foes, and with family.

"Incline us instead with hearts and minds to listen before giving answer so that we are able to mete out judgment as You have taught us, with equal amounts of justice and mercy. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, June 21, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Smith, to Senator Johnson, and to Senator Odom. The President grants a leave of absence for a portion of today's session to Senator Perdue, who has a doctor's appointment; to Senator Jordan at 3:00 P.M., for a meeting with the Governor; to Senator Albertson, after 4:30 P.M.; and to Senator Gulley, after 4:30 P.M. due to business.

The President extends courtesies of the floor to Joseph E. Thomas, former Senator from Craven County, and to the Honorable John White, member of the Georgia House of Representatives.

The Chair recognizes Senator Winner of Buncombe who announces the presence of Ms. Sandra C. Wells, North Carolina Teacher of the Year, at the Chamber doors and offers a motion to the end privileges of the floor be extended to Ms. Wells and further that she be allowed to address the Body, which motions prevail. The President of the Senate directs Senator Winner of Buncombe to escort Ms. Wells to the Well of the Senate. The Senate receives Ms. Sandra Wells with a standing ovation. On motion of Senator Hyde, with unanimous consent, the remarks of Senator Winner of Buncombe and Ms. Sandra Wells, North Carolina Teacher of the Year, are spread upon the Journal, as follows:

**By Senator Winner of Buncombe:**

"Ladies and gentlemen of the Senate, it is my distinct privilege and honor to introduce to you for the second year in a row from my District, Senator Hyde and I serve, the Teacher of the Year for the State of North Carolina. This Teacher of the Year is Mrs. Sandra Wells from Asheville. Mrs. Wells is a teacher at Haw–Fletcher School in the west side of the City of Asheville, where she has taught for seven years. She has actually been a teacher, as I understand it, for seventeen years. She was born and grew up in Asheville, graduated from Lee Edwards High School, the same High School that two of your Senators graduated from. She is a prime example of the thousands of dedicated teachers that we have in our public school system in this State, but I'm going to suggest to you, and I hope she'll comment about it, that probably the reason she was chosen—I don't know, I wasn't a judge—but the reason she was probably chosen as Teacher of the Year is that she also has shown, in addition to her dedication, outstanding innovation, and particularly, she had the idea a few years ago of combining a first–grade class with a fourth–grade class for educational purposes that apparently that effort has been very successful and she'll tell you a little bit about it, I hope, along with her other remarks. I introduce to you Mrs. Sandra Wells." (Applause)

**By Mrs. Wells:**

"Thank you. I have a vision for education in North Carolina and it is simply this—that every child can become a productive and happy citizen. To make that happen, we must change the architecture which governs how we teach, celebrate cultural diversity, empower teachers, teach our children problem–solving and interpersonal skills, and make best practices available to all students. Can we do these things? Not only can we, but we must. And most importantly, we are.

"Just listen. Alena enrolled in the Even Start Program last year at age twenty–two. She had four children, no job, an angry attitude, poor hygiene, and no support network. Slowly but surely, while her infant and toddler were cared for in the on–site preschool, something very special began to happen. The Even Start staff modeled for her, both at school and in her home, discipline, parenting skills, study habits, and personal development. Her self–esteem began to improve. The Center's Mother Read Program zeroed in on her reading skills. Soon she was reading to her own elementary age children. She made friends with other young mothers. She learned to respect and trust authority. Alena's needs were finally being met. Now Alena has earned her GED and is employed full–time in her Asheville neighborhood. She and her children have been reconnected to our community. Hope has replaced hopelessness. Because you have promoted and funded programs like Smart Start and Even Start, children and parents alike are developing self–esteem and a strong foundation for learning.

"Communities across North Carolina also are embracing powerful vision. I had the opportunity last year to visit New Hope Elementary School in Orange County. New Hope was a collaborative effort of the entire community. I saw students who moved in a continuous progress mode. Portfolios had replaced grades. Technology was integrated in every aspect of the curriculum. Inspired teachers were engaging the hearts and minds of young children. New Hope was more than just a name.

"May I share with you one other vision, one other hope? And that is that every child in North Carolina can develop interpersonal skills, adapt to change and deal with cultural diversity. In many elementary schools we are teaching a program called 'Fuss Buster.' It is essential that our children learn at an early age how to resolve their conflicts. In our middle schools and high schools, aided in part by your Safe Schools Grant, peer mediation is becoming the weapon of choice to avoid fights, prevent violence, and decrease suspension. Because of your commitment and resources, administrators, teachers, and community leaders are investing the time and talents necessary to make a difference in our schools. I am happy to report to you that we are developing young minds who can think creatively, solve problems, and communicate effectively.

"I hope you can tell just how enthusiastic I am about public education in North Carolina. Everywhere you turn there are initiatives that are developing good foundations for learning, innovations that permit teaching new things new ways, reform that is allowing structural flexibility, opportunities that are unleashing the power of teachers, and broad community partnerships that are addressing critical needs. None of this could be happening without your support, without your resources, and without your vision. Please continue with us on this journey. Please continue with us to ensure that every child in North Carolina can be a happy and productive citizen as we move into the new century.

"Senator Winner asked me to say a few words about my classroom, my teaching situation, and I would like to do that, very briefly. My co–teacher, Roy Smucker, who is in the gallery, by the way, and I team–teach a first– and fourth–grade classroom. We have fifty first–graders and fourth–graders in one classroom. The main reason we started our classroom, because we identified needs of our young black males. They had low self–esteem and they had no direction and we thought by putting them with first–graders, immediately their self–esteem would be raised. We saw this happen, and many other benefits from this classroom, really too many to share with you today. However, I would like to share one story from our cross–grade–level, cross–cultural, cross–socioeconomic classroom.

"Tavia, a small black first–grader from a housing project came to school one day with tears rolling down her cheeks. Ben, a blonde fourth–grader from an affluent neighborhood, came to me and said, 'What's wrong with Tavia?' I took Ben aside and told him that Tavia was having some problems at home that she was just having trouble dealing with. Ben said, 'Mrs. Wells, maybe I can help."' I was touched as I watched Ben walk over to Tavia, bend down and hug her and whisper in her ear. Immediately she began wiping the tears from her eyes. She looked up at Ben and she hugged him long and hard. They became inseparable friends that day and they both learned a valuable life–long lesson.

"I am honored to speak on behalf of the six Teacher–of–the–Year finalists and my co–teacher, Roy Smucker, and of the 64,000 teachers across this State. We are all advocates for children—every child in this State. And we are dedicated ambassadors

for positive change. Thank you, very much, for your time and for recognizing us today."

The Senate responds with a standing ovation.

The President recognizes, extends courtesies of the gallery, and introduces each finalist to the Senate, as follows: Dr. W. Reed Rhodes, with Cape Hatteras School, Buxton; Mr. Richard Armstrong, Jr., with Alexander Central High School, Taylorsville; Ms. Mary A. Black, with Ferguson–Easley Elementary School, Fayetteville; Mr. James Paul Richard, with Catawba Springs Elementary School, Denver; and Ms. Dianne M. Carter, with Louisburg High School, Louisburg.

## ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**S.B. 803** (House Committee Substitute), an act to clarify the laws relating to the State's jurisdiction over providers of health care benefits, to make technical and other amendments to the provisions of the Health Care Reform Act of 1993 concerning small employer health plans, and to make technical amendments to and delay the implementation of the district diversity requirement under the Psychology Practice Act. (Ch. 569)

**S.J.R. 1717**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a joint resolution honoring the City of Mount Airy on being named an All America City. (Res. 35)

## REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hyde for the **Constitution and Election Laws Committee**:

**H.B. 1838** (Committee Substitute), a bill to provide for the nonpartisan election of the Onslow County Board of Education, subject to a referendum, with a favorable report.

By Senator Ballance for the **Judiciary I Committee**:

**S.B. 1336** (Committee Substitute), a bill to allow service of process by a private process server when process is returned unexecuted, with an unfavorable report as to **Judiciary I** Committee Substitute bill, as amended, but favorable as to Committee Substitute Bill No. 2.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 1812 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, June 23, for further consideration upon its passage.

**H.B. 1755**, a bill to make it a criminal offense to practice phrenology, palmistry, fortune telling, clairvoyance, and other similar crafts in Wayne County, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 4334, which changes the title to read **H.B. 1755** (Senate

Committee Substitute), a bill to amend the Counties in which it is a criminal offense to practice phrenology, palmistry, fortune telling, clairvoyance, and other similar craft, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 23, for further consideration upon its passage.

By Senator Winner of Buncombe for the **Finance Committee**:

**S.B. 1685**, a bill to authorize the City of Kinston to levy a room occupancy and tourism development tax, with a favorable report.

**S.B. 1652,** a bill to authorize the City Council of the City of Durham to delegate to the City Manager authority to approve applications for payment of facilities fees in installments, with a favorable report.

**H.B. 763**, a bill to allow Pender County and its municipalities to specify by inter-local agreement a redistribution of local sales tax revenues not restricted by law, with a favorable report, as amended.

**S.B. 1511**, a bill to provide for special registration plates for supporters of professional sports teams, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 1814 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 23, for further consideration upon its passage.

**S.B. 1679**, a bill to make sundry amendments relating to local governments in Orange and Chatham Counties, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 6769, which changes the title to read **S.B. 1679** (Committee Substitute), a bill to make sundry amendments relating to local governments in Orange, Chatham, Forsyth, and Nash Counties, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 23, for further consideration upon its passage.

**H.B. 536** (Committee Substitute), a bill to allow area mental health, developmental disabilities, and substance abuse authorities to purchase property by installment contracts, with an unfavorable report as to Committee Substitute bill, as amended by the **Children and Human Resources Committee**, but favorable as to the Senate Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Senate Committee Substitute bill 1367 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 23, for further consideration upon its passage.

By Senator Parnell for the **Insurance Committee**:

**S.B. 1719**, a bill to make technical changes in G.S. 58–57–100 to further define automobile physical damage insurance and to make a conforming change, with a favorable report.

By Senator Cooper for the **Judiciary II Committee**:

**S.B. 1467**, a bill to strengthen the requirements to have a child in a restraint system while operating a motor vehicle, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 1813 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Thursday, June 23, for further consideration upon its passage.

**H.B. 1142** (Committee Substitute), a bill to establish the North Carolina Substance Abuse Professionals Certification Act, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the proposed Senate Committee Substitute bill 6344 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Finance Committee**.

By Senator Folger for the **Local Government and Regional Affairs Committee**:

**S.B. 1623**, a bill to change the audits of ABC profits of the Hamlet Board of Alcoholic Control from quarterly to annually, with a favorable report.

**S.B. 1646,** a bill to remove the sunset on the law allowing Richmond and Sampson Counties to acquire property for use by the County Boards of Education, and to authorize local boards of education in or for Sampson County to convey property to the County in connection with improvement and repair of the property, with a favorable report.

**S.B. 1643**, a bill to allow Sampson County to acquire property for use by Sampson Community College and to authorize the Sampson Community College Board of Trustees to convey property to the County in connection with improvement and repair of the property, with a favorable report.

**S.B. 1644,** a bill to increase the term of office for the Mayor of Salemburg from two to four years, with a favorable report.

**H.B. 1508**, a bill to authorize the City of Lexington to levy a room occupancy and tourism development tax, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 2014**, a bill relating to the definition of "subdivision" for the purpose of subdivision regulation in Stanly County, with a favorable report.

**H.B. 1979**, a bill to advance the effective date of an act authorizing the merger of the Towns of Hazelwood and Waynesville, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 2048**, a bill relating to Mayland Community College's contract, with a favorable report.

**H.B. 1727**, a bill relating to service of complaints and orders in housing code cases, with a favorable report, as amended.

**S.B. 1675**, a bill to modify the distribution of the profits from the alcoholic beverage control system in the Town of Norwood, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Committee Substitute bill 5831 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 23, for further consideration upon its passage.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is disposed of, as follows:

**S.B. 1505** (House Committee Substitute), a bill to modify the Current Operations Appropriations Act of 1993, to make appropriations for capital improvements for the 1994–95 Fiscal Year, and to make other changes in the budget operation of the State, for concurrence in the House Committee Substitute bill.

Senator Folger rises to a point of order, as follows:

"I'm looking, Mr. President, at S.B. 1505, 3rd edition engrossed, 5th edition engrossed 6/21/94, page 108, lines 21–30, and inquire of the Chair whether that's a provision that should be in the bill."

The Chair responds, as follows:

"The Chair will take that under advisement, Senator Folger, and your inquiry is preserved and I will make a ruling accordingly."

The House Committee Substitute bill is recommitted to the **Appropriations Committee**.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**H.B. 1557**, a bill to remove from the corporate limits of the Town of Grifton certain described territory in Lenoir County.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee**.

**H.B. 1563** (Committee Substitute), a bill to amend State insurance and Medicaid laws to comply with the Federal Omnibus Budget Reconciliation Act of 1993 and guarantee the continued availability of federal Medicaid funds for the State; and to make a corresponding insurance law amendment.

Referred to **Judiciary II Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

**H.B. 1687**, a bill to annex a described piece of property to the Town of Lake Lure and remove any portion of that property from Chimney Rock Village.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 1704**, a bill to permit the acquisition of property for the Duplin County Airport by eminent domain with immediate vesting of title and right of possession in the County.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 1722** (Committee Substitute), a bill to permit the City of Greenville to use wheel locks.

Referred to **Judiciary I Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 1887** (Committee Substitute), a bill changing the date on which members of the Perquimans County Board of Education take office, and providing a four–year term for the Mayor of the Town of Creswell.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 1889** (Committee Substitute), a bill to restore unemployment benefits to their pre–1983 level, to make participation in reemployment services a condition of receiving certain benefits, and to make technical changes to the employment security laws.

Referred to **Manufacturing and Labor Committee**.

**H.B. 1944**, a bill to expand the State ports tax credit.

Referred to **Finance Committee.**

**H.B. 1973** (Committee Substitute), a bill to provide standards for use by local governments in the review of applications for permits or for substantial amendments to permits for sanitary landfills in order to ensure that local government review of permit applications meets constitutional requirements, as recommended by the Environmental Review Commission.

Referred to **Local Government and Regional Affairs Committee.**

**H.B. 2065** (Committee Substitute), a bill to amend the Charlotte Firefighters' Retirement System Act.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Pensions and Retirement Committee.**

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.R. 1929**

House of Representatives
June 21, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.R. 1929**, A HOUSE RESOLUTION TO ESTABLISH THE

PROCEDURE FOR NOMINATING AND ELECTING ONE AT–LARGE MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, the House has elected Mr. Derick S. Close to serve for the remainder of the unexpired term that expires on June 30, 1997.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**S.B. 1504** (Committee Substitute), a bill to establish and appropriate funds for the First Flight Commission; to reduce costs to the State by authorizing private publication of the Administrative Code; to change statutory references to Air Cargo Airport Authority; to expand the duties of the State Controller; to allow children to attend community colleges; to authorize record checks of school employees; concerning the law pertaining to school textbooks; and pertaining to erosion of beaches, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1504** (House Committee Substitute), a bill to expand the duties of the State Controller; to reduce costs to the State by authorizing private publication of the Administrative Code; concerning the law pertaining to school textbooks; to expand the membership of the North Carolina Air Cargo Airport Authority; and to increase the tort claims award.

Recommitted to **Appropriations Committee**.

## CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

**S.B. 1465**, a bill to shorten the season for taking rabbits in Johnston County.

The bill passes its second (37–0) and third readings and is ordered sent to the House of Representatives.

## CONFERENCE REPORT

**H.B. 120** (Senate Committee Substitute)

Senator Cooper, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 120** (Senate Committee Substitute), a bill to amend the open meetings laws and to amend the public records law as it relates to the Hospital Licensure Act and the Joint Municipal Electric Power and Energy Act, submits the following report:

*To the President of the Senate and the*
*Speaker of the House of Representatives:*

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Judiciary II Committee Substitute to House

Bill 120, AN ACT TO AMEND THE OPEN MEETINGS LAWS AND TO AMEND THE PUBLIC RECORDS LAW AS IT RELATES TO THE HOSPITAL LICENSURE ACT AND THE JOINT MUNICIPAL ELECTRIC POWER AND ENERGY ACT, Fourth Edition engrossed 3/30/93, wish to report as follows:

That the House concurs in the Senate Judiciary II Committee Substitute for House Bill 120, Fourth Edition Engrossed 3/30/93, with the following amendments:

on page 2, lines 16 through 18, by rewriting the lines to read:
"(c) 'Public body' does not include ~~and shall not be construed to include~~ (1) meetings among the professional staff of a public body, body, or (2) the medical staff of a public hospital. ~~unless the staff members have been~~"; and

on page 2, line 40, by rewriting the line to read:
"(a) Permitted Purposes. — It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold ~~an executive session~~ a closed"; and

on page 3, line 31 through page 4, line 20, by rewriting the lines to read:

"character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting."

on page 4, lines 21 through 23, by rewriting the lines to read:
"(7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct."; and

on page 7, lines 19 and 20, by rewriting the lines to read:
"143–318.16A, the court ~~shall~~ may make written findings specifying the prevailing party or parties, and ~~shall~~ may award the prevailing party or parties a reasonable attorney's fee, to"; and

on page 10, line 28, by rewriting the line to read:
"committee or subcommittee meeting not held in executive ~~session~~ session.; and

on page 10, line 41, by deleting the statute reference number "131E–98.", and by substituting the statute reference number "131E–97.1."; and

on page 11, line 3, by deleting the word "hospital", and substituting the words "hospital, as defined by G.S. 159–39."; and

on page 11, line 13, by deleting the statute reference number "131E–99.", and by substituting the statute reference number "131E–97.2."; and

on page 11, line 21, by deleting the statute reference number "131E–99.1.", and by substituting the statute reference number "131E–97.3."; and

on page 11, line 38, by deleting the date "October 1, 1993," and substituting the date "October 1, 1994,".

The Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of June, 1994.

| | |
|---|---|
| S/Roy A. Cooper, III | S/George W. Miller, Jr. |
| S/Robert C. Carpenter | S/Harold J. Brubaker |
| S/Betsy L. Cochrane | S/Joe Hackney |
| S/Herbert L. Hyde | S/Howard J. Hunter, Jr. |
| S/Leslie Winner | S/Mary Jarrell |
| | S/J. Shawn Lemmond |
| | S/H. M. Michaux, Jr. |
| | S/Martin J. Nesbitt |
| | S/Billy Richardson |
| | S/Carolyn B. Russell |
| | S/Michael S. Wilkins |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

On motion of Senator Cooper, the Conference Report is adopted (40–6) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**CALENDAR** (Continued)

**S.B. 1185** (Committee Substitute No. 2), a bill to establish the Uninsured Employers' Fund to provide compensation for certain injured employees whose employers failed to secure the payment of compensation, to require carriers to contribute to this Fund, and to clarify that the Commissioner of Insurance has the authority to conduct investigations to determine if employers are complying with the workers' compensation insurance coverage requirements, as amended, with Amendment No. 2 pending, upon third reading. (see page 627)

Pursuant to Rule 42.1, Senator Kincaid rises and requests a fiscal note on the measure. The Chair announces a fiscal note is attached to the jacket of the bill.

Senator Simpson offers Amendment No. 3 which is adopted (38–6), further changing the title to read **S.B. 1185** (Committee Substitute No. 2), a bill to establish the Uninsured Employers' Fund to provide compensation for certain injured employees whose employers failed to secure the payment of compensation, to require carriers to contribute to this Fund, to clarify that the Commissioner of Insurance has the authority to conduct investigations to determine if employers are complying with the workers' compensation insurance coverage requirements, and to require employers to post notice of workers' compensation insurance coverage or self–insurance.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll–call vote, ayes 34, noes 11, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carpenter, Conder, Cooper, Edwards, Gulley, Gunter, Harris, Hartsell, Hyde, Kaplan, Kerr, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Simpson, Soles, Speed, Tally, Walker, Ward, Warren,

Winner of Buncombe, and Winner of Mecklenburg—34.

Voting in the negative: Senators Allran, Ballantine, Blackmon, Cochrane, Daniel, Folger, Forrester, Hoyle, Kincaid, Shaw, and Sherron—11.

The Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives.

**S.B. 1384**, a bill to implement recommendations of the Joint Legislative Oversight Committee on Early Childhood Education and Development Initiatives to change the selection process for local demonstration projects, to allow the Department of Human Resources to delegate contracting authority to local partnerships, the North Carolina Partnership for Children, Inc. or a public or governmental entity, to require local partnerships to be newly formed organizations, to clarify the use of State funds by local partnerships, to provide that State funds shall not supplant current expenditures by counties on behalf of young children and their families, and to make technical changes to the law governing the early childhood initiatives, as amended.

Senator Cochrane offers Amendment No. 3 which is adopted (33–11).

The President relinquishes the gavel to Senator Basnight, President *Pro Tempore*, who presides.

The bill, as amended, passes its second (35–6) and third readings and is ordered engrossed and sent to the House of Representatives.

**S.B. 1517** (Committee Substitute), a bill to authorize the Commission for Health Services to adopt rules to minimize the risk of injury to children who use public swimming pools.

The Committee Substitute bill passes its second (39–0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1631** (Committee Substitute), a bill to provide standards for use by local governments in the review of applications for permits or for substantial amendments to permits for sanitary landfills in order to ensure that local government review of permit applications meets Constitutional requirements, as recommended by the Environmental Review Commission.

On motion of Senator Blackmon, the Committee Substitute bill is re–referred to the **Local Government and Regional Affairs Committee**.

Senator Basnight, President *Pro Tempore*, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

**S.B. 1638** (Committee Substitute), a bill to encourage the voluntary remediation of contaminated sites, as recommended by the Environmental Review Commission, and to provide that a person who knowingly makes a false statement in documents required under the solid waste laws is guilty of a misdemeanor.

The Committee Substitute bill passes its second reading (40–0).

Senator Blackmon objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, June 23, for further consideration, upon third reading.

**H.B. 977** (Senate Committee Substitute), a bill to amend the Entry of Judgment Rule, Rule 58 of the Rules of Civil Procedure, as requested by the North Carolina Bar Association, as amended.

Senator Winner of Buncombe offers Amendment No. 2 which fails of adoption (11–27).

Senator Winner of Buncombe offers Amendment No. 3 which fails of adoption (15–25).

Senator Jordan is noted present, and a leave of absence previously granted is withdrawn.

Senator Cooper offers Amendment No. 4 which is adopted (24–16).

The Senate Committee Substitute bill, as amended, passes its second reading (40–1).

Senator Winner of Buncombe objects to the third reading of the measure. The Chair orders the Senate Committee Substitute bill, as amended, placed on the Calendar for tomorrow, Thursday, June 23, for further consideration, upon third reading.

**S.B. 1638** (Committee Substitute), a bill to encourage the voluntary remediation of contaminated sites, as recommended by the Environmental Review Commission, and to provide that a person who knowingly makes a false statement in documents required under the solid waste laws is guilty of a misdemeanor, placed earlier today on the Calendar for tomorrow, Thursday, June 23, upon third reading.

Senator Blackmon withdraws his objection to third reading. With unanimous consent, the measure is taken from the Calendar of tomorrow, Thursday, June 23, and placed before the Senate for further consideration upon its third reading.

The Committee Substitute bill passes its third reading with unanimous consent and is ordered sent to the House of Representatives.

**S.B. 508** (House Committee Substitute), a bill to provide the same legal authority and limited liability to immigration and naturalization service officers who work with State or local officers as are accorded other federal officers, for concurrence.

The Senate concurs in the House Committee Substitute bill (38–0), which changes the title, and the measure is ordered enrolled.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 120**
Senate Committee Substitute

House of Representatives
June 22, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **HB 120**, AN ACT TO AMEND THE OPEN MEETINGS LAWS AND TO AMEND THE PUBLIC RECORDS LAW AS IT RELATES TO THE HOSPITAL LICENSURE ACT AND THE JOINT MUNICIPAL ELECTRIC POWER AND ENERGY ACT, a similar action having been taken on the part of the Senate, we have ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**H.B. 1663** (Committee Substitute), a bill to exempt all annuities and funding agreements from premium taxation; to clarify the authorization for the issuance of and

establish standards for funding agreements; and to make conforming changes in laws on priority of distribution of assets of insolvent insurers and on securities.

Referred to **Finance Committee.**

**H.B. 1843** (Committee Substitute), a bill to conform the Vehicle Emissions Inspection Program to the requirements of federal law and to make technical changes in the vehicle inspection laws.

Referred to **Transportation Committee** and upon a favorable report, re–referred to the **Finance Committee**.

## POINT OF ORDER

**S.B. 1505** (House Committee Substitute), a bill to modify the Current Operations Appropriations Act of 1993, to make appropriations for capital improvements for the 1994–95 Fiscal Year, and to make other changes in the budget operation of the State.

Senator Folger rises to the point of order against S.B. 1505, as follows:

"Earlier today I raised a point of parliamentary inquiry on S.B. 1505 concerning a certain provision. I have been advised that if I would withdraw that motion I might be able to discuss it more later at a later date, and based on that information at this time I will withdraw my point of parliamentary inquiry, which I believe you were going to take under advisement."

The President of the Senate responds, as follows:

"The withdrawal is noted, and when the bill appears back before us, it will be done."

On motion of Senator Basnight, seconded by Senator Hartsell, the Senate adjourns at 5:00 P.M. to meet tomorrow, Thursday, June 23, at 1:30 P.M.

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# ONE HUNDRED TWENTY–EIGHTH DAY

SENATE CHAMBER,
Thursday, June 23, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Words of gratitude and an invocation are offered by Rabbi Robert Ratner, Beth Ha–Tephila Synagogue, Asheville, as follows:

"A thank you.

'At this 50th anniversary of the Allied Invasion of Europe, the Jewish people and Jewish communities of the Great State of North Carolina are aware of a sacred obligation; we wish to thank every citizen of North Carolina who served with single–minded determination and distinction in a myriad of ways during World War II and all the families who made terrible sacrifices to end the Nazi tyranny in the name of freedom; we pray that the persecution and genocide perpetrated in ghettos, camps, and forests will, by our good works, perish from our world."

"An invocation.

'One day a very wealthy man came to his town's Rabbi for advice. (It so happens that this rich man never gave anything to help the poor.) Before the man could utter a work the Rabbi took him to the window.

'Look out the window. What do you see?'
'People, I see people,' the rich man responded.
Then the Rabbi placed the rich man in front of a mirror and asked: 'Now what do you see?'
'I see myself,' this wealthy man exclaimed.
'Look,' the Rabbi said, 'the window is made of glass and the mirror is made of glass. But the glass of the mirror is covered with silver. No sooner is silver added than we stop seeing others and see only ourselves!'

"We who are charged with serving the people must see the reality of their lives, and then strive to ease their burdens and provide them with hope. We can permit nothing to deter us from this sacred task. Nothing to cloud the window. Nothing; not power, not wealth, not egotism.

"We ask God to help us see our world and its inhabitants daily, as if through pure, clear, glass, in truth and with justice as our aim. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, June 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Kaplan and to Senator Smith.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 120** (Senate Committee Substitute), an act to amend the open meetings laws and to amend the public records law as it relates to the Hospital Licensure Act and the Joint Municipal Electric Power and Energy Act. (Ch. 570)

**S.B. 508** (House Committee Substitute), an act to provide the same legal authority and limited liability to immigration and naturalization service officers who work with State or local officers as are accorded other federal officers. (Ch. 571)

## REPORT OF COMMITTEE

Bills are reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Harris for the **Pensions and Retirement Committee**:

**S.B. 1605**, a bill to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Workers' Pension fund, with a favorable report.
Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 1626**, a bill to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Worker's Pension Fund, with a favorable report.
Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

## INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution filed for introduction is presented to the Senate, read the first time and disposed of, as follows:

By Senators Folger and Sands:

**S.J.R. 1720**, a joint resolution honoring the City of Mount Airy on being named an All America City.

Referred to **Rules and Operation of the Senate Committee**.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**S.B. 118** (House Committee Substitute), a bill to change the process of appealing under the State Personnel Act certain personnel decisions of local appointing authorities, for concurrence in the House Committee Substitute bill.

Recommitted to **State Personnel and State Government Committee**.

**S.B. 901**, a bill to prohibit bicyclists and others from clinging to other vehicles while on a roadway, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence to read **S.B. 901** (House Committee Substitute), a bill to require barber schools owned by nonprofit corporations to have one instructor for every twenty students.

Referred to **Transportation Committee**.

**H.B. 1680** (Committee Substitute), a bill enabling the County of Davidson to establish an airport authority for the operation and maintenance of airport facilities in the County of Davidson for the citizens of Davidson County.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 1917** (Committee Substitute), a bill to amend the effective date of the North Carolina Interstate Banking Act and to set an application fee.

Referred to **Banks and Thrift Institutions Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 1927** (Committee Substitute), a bill to allow Sampson County to acquire property for use by Sampson Community College and to authorize the Sampson Community College Board of Trustees to convey property to the County in connection with improvement and repair of the property.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 1928** (Committee Substitute), a bill to remove the sunset on the law allowing Richmond and Sampson Counties to acquire property for use by the County Boards of Education, and to authorize local boards of education in or for Sampson County to convey property to the County in connection with improvement and repair of the property.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 1936** (Committee Substitute No. 2), a bill to make technical corrections and to make clarifying and conforming changes to various criminal statutes, to repeal various criminal laws that are obsolete or redundant, and to extend the sunset for the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association.

Referred to **Judiciary I Committee**.

**H.B. 1994** (Committee Substitute), a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue weapon permits in Polk, Madison, and Yancey Counties.

Referred to **Judiciary I Committee**.

**H.B. 2012** (Committee Substitute), a bill to authorize the Village of Bald Head Island to increase its room occupancy tax from three percent to six percent, to modify the existing Bald Head Island room occupancy tax, and to allow Columbus County to create fire protection districts in which fire protection is funded by fees rather than taxes.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

## COMMITTEE REFERRAL

**S.B. 118** (House Committee Substitute), a bill to change the process of appealing under the State Personnel Act certain personnel decisions of local appointing authorities, recommitted to the **State Personnel and State Government Committee** earlier today.

With unanimous consent, pursuant to Rule 47(b), Senator Johnson offers a motion that the House Committee Substitute bill be taken from the **State Personnel and State Government Committee** and placed before the Senate for immediate consideration, upon concurrence, which motions prevail.

The Chair orders the House Committee Substitute bill taken from the **State Personnel and State Government Committee** and places it before the Senate for immediate consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill (42–0) and the measure is ordered enrolled.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 1679** (Committee Substitute), a bill to make sundry amendments relating to local governments in Orange, Chatham, Forsyth, and Nash Counties, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Ballantine, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, June 24, for further consideration upon third reading.

**S.B. 1685**, a bill to authorize the City of Kinston to levy a room occupancy and tourism development tax, as amended, upon second reading.

The bill, as amended, passes its second reading by roll–call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Ballantine, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, June 24, for further consideration upon third reading.

**S.B. 1623**, a bill to change the audits of ABC profits of the Hamlet Board of Alcoholic Control from quarterly to annually.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

**S.B. 1643**, a bill to allow Sampson County to acquire property for use by Sampson Community College and to authorize the Sampson Community College Board of Trustees to convey property to the County in connection with improvement and repair of the property.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

**S.B. 1644,** a bill to increase the term of office for the Mayor of Salemburg from two to four years.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

**S.B. 1646,** a bill to remove the sunset on the law allowing Richmond and Sampson Counties to acquire property for use by the County Boards of Education, and to authorize local boards of education in or for Sampson County to convey property to the County in connection with improvement and repair of the property.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

**S.B. 1652,** a bill to authorize the City Council of the City of Durham to delegate to the City Manager authority to approve applications for payment of facilities fees in installments.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

**S.B. 1675** (Committee Substitute), a bill to modify the distribution of the profits from the alcoholic beverage control system in the Town of Norwood.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

**H.B. 763**, a bill to allow Pender County and its municipalities to specify by interlocal agreement a redistribution of local sales tax revenues not restricted by law.

On motion of Senator Folger, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

**H.B. 1727**, a bill relating to service of complaints and orders in housing code cases.

On motion of Senator Folger, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

**H.B. 2014**, a bill relating to the definition of "subdivision" for the purpose of subdivision regulation in Stanly County.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1838** (Committee Substitute), a bill to provide for the nonpartisan election of the Onslow County Board of Education, subject to a referendum.

Senator Hartsell offers Amendment No. 1 which is adopted (44–0), changing the title, upon concurrence, to read **H.B. 1838** (Committee Substitute), a bill to provide for the nonpartisan election of the Onslow County Board of Education, subject to a referendum, and providing that when vacancies are to be filled on the Cabarrus County Board of Education by election for the remainder of the unexpired term, the election shall be held together with those for the full term.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

**H.B. 2048**, a bill relating to Mayland Community College's contract.

The bill, as amended, passes its second and third reading and is ordered enrolled.

Senator Winner of Buncombe is recorded voting "no."

**S.B. 1467** (Committee Substitute), a bill to strengthen the requirements to have a child in a restraint system while operating a motor vehicle.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Cooper, the Committee Substitute bill is recommitted to the **Judiciary II Committee**.

## REPORTS OF COMMITTEE

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Plyler for the **Appropriations Committee**:

**S.B. 764**, a bill to remove the deadline on applications for refunds from the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System for cooperative agricultural extension service employees, with a favorable report.

**S.B. 1663** (Committee Substitute), a bill to authorize the issuance of thirty–five million dollars of State Parks bonds or notes and to appropriate the proceeds of these bonds and notes for specific State Parks capital improvement projects and land acquisition, as written by the **Capital Expenditures and Improvements Committee**, with a favorable report.

**S.B. 1436** (Committee Substitute), a bill to create a separate crab license in Chapter 113 of the General Statutes, to establish a two–year moratorium on specified fishing licenses, and to appropriate funds to study the fishery during the moratorium, as

written by the **Agriculture, Marine Resources, and Wildlife Committee**, with a favorable report, as amended.

With unanimous consent on motion of Senator Plyler, pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re–referred to the **Finance Committee**.

**CALENDAR** (Continued)

**S.B. 1511** (Committee Substitute), a bill to provide for special registration plates for supporters of professional sports teams, upon second reading.

The Committee Substitute bill, passes its second reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, June 24, for further consideration upon third reading.

**S.B. 1336** (Committee Substitute No. 2), a bill to allow service of process by a private process server when process is returned unexecuted.

Senator Winner of Mecklenburg offers Amendment No. 1 which is adopted (43–3).

The Committee Substitute bill No. 2, as amended, passes its second reading (24–23).

Senator Shaw objects to the third reading of the measure. On motion of Senator Marshall the Committee Substitute bill, as amended, is placed on the Calendar for Tuesday, June 28, for further consideration, upon third reading.

**S.B. 1719**, a bill to make technical changes in G.S. 58–57–100 to further define automobile physical damage insurance and to make a conforming change.

The bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives.

**S.B. 901** (House Committee Substitute), a bill to require barber schools owned by nonprofit corporations to have one instructor for every twenty students, received earlier today on a message from the House of Representatives and referred to the **Transportation Committee.**

Senator Seymour rises to a point of order under Rule 57.1 to the question of germaneness of the House Committee Substitute bill to the original subject. The Chair rules the point of order must be raised upon the presentation of the measure and in this instance upon the reading of the message from the House of Representatives.

Senator Seymour gives public notice, pursuant to Rule 47, of her intention to offer a motion to suspend the rules to the end the House Committee Substitution bill be recalled from the **Transportation Committee** to the Chamber for disposition.

Senator Soles offers a motion to the end the rules be suspended to allow a point of order raised as to the germaneness of the House Committee Substitute bill to the original subject matter of the bill, which motion prevails.

The Chair accepts the point of order raised by Senator Seymour earlier and reserves ruling on the question pending the measure being placed before the Senate from the **Transportation Committee** and notes Senator Seymour has announced notice of intention to offer a motion to recall the measure from the **Transportation Committee.**

The Chair declares the Senate in recess at 2:47 P.M. for the purpose of committee meetings to reconvene at 2:55 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## CALENDAR (Continued)

**H.B. 536** (Senate Committee Substitute), a bill to allow area mental health, developmental disabilities, and substance abuse authorities to purchase property by installment contracts.

The Chair rules the Senate Committee Substitute bill requires a call of the roll.

The Senate Committee Substitute bill passes its second reading by roll–call vote, ayes 38, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kerr, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Perdue, Plexico, Plyler, Richardson, Seymour, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—38.

Voting in the negative: Senators Ballantine, Blackmon, Shaw, Sherron, Winner of Mecklenburg—5.

With unanimous consent on motion of Senator Winner of Buncombe, the Senate Committee Substitute bill is ordered placed on the Calendar for Tuesday, June 28, for further consideration upon third reading.

## REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

**S.B. 1436** (Committee Substitute), a bill to create a separate crab license in Chapter 113 of the General Statutes, to establish a two–year moratorium on specified fishing licenses, and to appropriate funds to study the fishery during the moratorium, as written by the **Agriculture, Marine Resources, and Wildlife Committee**, and as amended further upon recommendation of the **Appropriations Committee**, with a favorable report.

On motion of Senator Albertson, the rules are suspended, and the Committee Substitute bill, as amended, is placed before the Senate for immediate consideration, upon its passage.

The Committee Substitute bill, as amended, passes its second (42–0) and third readings and is ordered, on motion of Senator Albertson, without objection, sent to the House of Representatives by special messenger.

## COMMITTEE REFERRAL

**S.B. 901** (House Committee Substitute), a bill to require barber schools owned by nonprofit corporations to have one instructor for every twenty students, referred to the **Transportation Committee** earlier today.

Pursuant to Rule 47(b), Senator Speed offers a motion that the House Committee Substitute bill be taken from the **Transportation Committee** and placed before the Senate for immediate consideration, upon concurrence, which motion prevail.

The Chair orders the House Committee Substitute bill taken from the **Transportation Committee** and places it before the Senate for immediate consideration.

Upon the point of order raised by Senator Seymour, the Chair rules the subject matter of the House Committee Substitute bill not germane to the original bill and ineligible for consideration by the Senate pursuant to Rule 51.1.

The Chair orders a message sent to the House of Representatives notifying that Honorable Body of such action, and the measure is held in the Office of the Principal Clerk.

## CALENDAR (Continued)

**H.B. 1755** (Senate Committee Substitute), a bill to amend the counties in which it is a criminal offense to practice phrenology, palmistry, fortune telling, clairvoyance, and other similar crafts.

On motion of Senator Kerr, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 28.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following resolution which is read the first time and disposed of, as follows:

**H.J.R. 2131,** a joint resolution honoring the life and memory of Ray Charles Fletcher, former member of the General Assembly.

With unanimous consent, on motion of Senator Winner of Buncombe, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration and on his further motion the joint resolution is read in its entirety.

With unanimous consent on motion of Senator Basnight, the remarks of the Senators memorializing the life and memory of Ray Charles Fletcher, former member of the General Assembly, are spread upon the Journal, as follows:

**By Senator Winner of Buncombe:**

"Thank you, Mr. President. I have to tell you that this speech is something that I have not looked forward to. I feel a particularly closeness to members of Ray's family, as I did of Ray when he was with us. And I sort of am emotionally overwhelmed right now—having a hard time getting my words out.

"Ray Fletcher, Members of the Senate, came to the General Assembly the same time I did. He was a freshman in the House at the same time I was a freshman in the Senate. Our districts were—at that time met, they did not overlap. They now do and as a matter of fact, had Ray lived, Ray would have been a constituent of mine at the

current time. Because we both represented Western North Carolina and were both members of the Democratic Party, we worked together on a lot of things. He asked me to handle numerous bills that he had over here when they came to the Senate. So I got to know him much better than I have many of the House Members.

"He was one of the finest people I have ever met in this Body. He was truly dedicated to the people of Burke County, whom he represented, and to the people of the whole State of North Carolina. He was intelligent; he always had good sense about things; he knew when to back off and when to fight. But the thing I remember the most about him, the thing that sticks out in my mind about him, was his extreme sense of integrity and honesty. There was never any doubt when you dealt with Ray Fletcher where he was. He didn't try to shade things or hide anything and truly lived up to our State motto, Esse Quam Viderie—To Be Rather Than To Seem.

"His family is seated across from me, or part of his family that is with us here. We all know Ruthie, of course, who served this Senate as Page Supervisor a few years ago and unfortunately is, at least we hope only temporarily leaving the State in a week or two to go the California. I hope and know that the President, on behalf of all of us, at the appropriate time, will extend our sympathy to them."

**By Senator Plexico:**

"Thank you, Mr. President. Ladies and Gentlemen of the Senate, you will notice on this Resolution that Ray is from Valdese. And though I am from Henderson County now, I was raised in Valdese. You will notice the years that is marked where is was the Rotarian of the Year, the Young Man of the Year. These were the years when I was a young boy and Roy, the name of that church is the Waldensian Presbyterian Church where my father was the minister. And Ray was active in that Church. And one of the joys for me coming here to the General Assembly was getting to know Ray again and re–establishing ties with his family.

"I'm a little bit like you Dennis. But I want to say that Ray—he'd come up to me when I would vote for something of his or I would help him out some and he'd introduced me to some of his folks and he'd say, 'Now, raised this boy from a pup,' and he'd put his arm around me or sometimes when I didn't do exactly what Ray wanted me to do, he didn't take credit for that. But I like to feel that I am a whole lot better person because Ray Fletcher did 'help raise me from a pup' and we miss him."

**By Senator Conder:**

"Thank you, Mr. President. Ladies and Gentlemen of the Senate. I first met Ray Fletcher when I got here in 1985 and the reason that I got to know Ray was because he had become a real, real good friend of my House member, Hugh Lee, who was a former mountain man who came down to Rockingham to practice law and he and Ray just got to be very, very close friends. So, in the process Hugh Lee decided not to come back but Ray—every time I would see him, he would ask me about Hugh Lee. He continued to have to—wanted to know about his friend. And as a result of that relationship with Hugh and Ray, I got to know him.

"And I certainly echo everything Senator Winner said about him 'cause I learned that he was certainly a man of unquestionable integrity, a person whom that when he told you something you could put it in the bank and go on about your business

because you knew he was going to be there when the time came. I also was impressed by getting to know Ruthie, his daughter. Also, this year, getting to know Christie Trailer, his step–daughter, who is working in here in the Senate as Assistant Sergeant–at–Arms, and they're just absolutely wonderful people. And members of the family, I can't tell you how sorry I am. You lost a tremendous friend and so have we. Thank you."

**By Senator Plyler:**

"Mr. President, Members of the Senate, and family. Ray Fletcher was a true and dear friend of mine. I first met Ray when he came here in 1983. We could talk together; we could reason with each other; and we worked out a lot of problems together that we had. Ray would visit in my office many times and we talked about the various things in the State, various bills, various things in our district. At times Ray would come over and sit here in the Chamber on the back seat there and I would go back and sit down and talk to Ray.

"And I remember at one time, the last time I really talked to Ray here, he was right sick at that time. And he says, 'Aaron, I'm going to overcome my problems, but pray for me.' And of course, Ray was a fellow that you didn't have to ask him a second time if he would be with you if you had a bill over in the House or whatever; he just—he told you exactly the way it was at that time and you did not have to got back to it. Ray was a true and dear friend of mine. I respected him. He was an honorable gentlemen and we all miss him and to Ruthie and the entire family we know that you had him with you for a good long time and I know you miss him. We miss him and God bless all of **you.**"

**By Senator Kerr:**

"In 1987, I guess by the luck of the draw, I got put down in the one hundredth quadrant with a lot of Republicans were but we had—and, and there gook folk, too. We were down there with Mr. Crawford from Buncombe, and Ray Fletcher was right down the hall. Ray's a little different from us people down East and he kind of—he had a great way to move a little slow but move deep and really the way he would turn his head. But his office was where I would always try to go as a freshman. I sometimes charge off a little too fast and do things and maybe I'm impatient. And Ray had a coolness and a calmness about him that certainly it inspired me but he loved this institution.

"And he was more of an environmentalist than I was and he kind of made me change some of my attitudes some. I know he was very supportive with automobile matters; but he was a family man; he had a family business; he had his family involved in his business and his life. And certainly I was upset when he became ill and was absolutely shocked when the thing that happened happened. In fact, I had just talked to him and it happened so quickly. But we lost a good friend down in quadrant one and he meant a lot and his secretary helped me a lot and his family, his girls, who we all love and who are going to be with us and go to California for a little while; and I told her not to sign anything unless 'Coop' and I looked at it. And you know she had her name in that caption on The Last of the Mohicans, I sat there three times to read it but she had her name up there. But one day the name is going to be big and we wish you the best; and we loved Ray and we certainly appreciate being a part of this."

**By Senator Ballance:**

"Mr. President, I just want to say a word or two. I got to know Ray Fletcher and we became good friends. I believe it was 1992, it could have been 1991, we were out at HoJo's and I think Bob Swain was out there that year; had a great summer. But Ray was a great walker. One morning I had the misfortune of getting up with him early that morning, he was going walking. And I decided to go with him walking. And we both got lost. And I don't know where—I think we wound up over at Crabtree or somewhere but we finally made it back home. I just want to say to his family that I really appreciated knowing him and he was a great friend."

**By Senator Hyde:**

"Mr. President, Members of the Senate, Ray Fletcher was a constituent of mine and a friend. And I recall one case, in particular, where he came to me with a bill from the House and asked if he could come in my office and sit down and he did. He laid the bill in front of me and asked me if I'd take time to read it and I did. And when I finished he said to me, 'Is it constitutional?' And I said 'yes.' He was delighted. He said, 'Well, will you tell the committee that?' And I said, 'Yes, sir.' I did. I didn't do anything more but the bill passed and became law and then it was challenged in courts up in Burke County and was upheld. And so I was lucky that I told him right. But I was proud to work with him. I didn't work with him—I remember that one as distinct from all the others.

"But I found him to be a man of intellect; a man of courage; and a man of patience, slow and easy, but to the point. As all of you know, perhaps the world does not appreciate the public service that some people give to their fellow countrymen and women. And yet they do that. They sacrifice every day, every night; and the families sacrifice, they do without them. They're gone. They're lonesome. Little children sometimes cry for Daddy. And I miss my family, as all of you do. I know the families at home miss us, too. And so it is proper that we pay proper respect to one person who lived for his country, for his State, for his people, and lived for his family as well, Ray Fletcher. Thank you, very much."

**By Senator Harris:**

"I hadn't planned on saying anything. I thought Senator Simpson or Senator Kincaid would be here, but I see they're not. Let me just say one thing. Senator Walker both you and I, particularly, and Senator Ward know about mental health and those less fortunate then ourselves. Any bill that he introduced in the House concerning the School for Deaf, Broughton Hospital, Western North Carolina, he came to me and asked me to introduce it in the Senate. When you find a man who is interested in those who are less fortunate than himself, you have found a real man."

**By Senator Cooper:**

"Thank you Mr. President, Members of the Senate. I, too, served with Ray Fletcher in the House and developed a great amount of admiration for him when I worked with him. His personable aura, so to speak, was obvious but he also had great legislative skills. I enjoyed watching Ray and his friend and seat–mate, Representative Bruce Ethridge, do tag teams on running bills through the House. Enjoyed watching that and learned a lot from it, as well.

"We wonder why people have to leave this earth so soon and I don't know the answer to that question. Particularly, somebody like Ray Fletcher—he left too soon.

He's one that we really didn't want to see go. But I think that just tells us and shows us that we have to live life to the fullest and do the best we can while we are here. And I don't know of anyone who did that better than Ray Fletcher. He lived a very productive life. He was dedicated, caring, and as you've heard honest, and his priorities were right. He never forgot that he represented the everyday people. And that was reflected in the issues that he worked on and the votes that he cast. And particularly in this instance, many people, when they are faced with a terminal illness, they just sort of drop out. Ray did not. Ray Fletcher lived with dignity and Ray Fletcher died with dignity. And I know that he is living with dignity now, again."

**By Senator Allran:**

"I wanted to stand to share some of my thoughts on Representative Fletcher with you folks. Representative Fletcher was kind of an anomaly over where I live because he was a Democrat in a Republican sea and I felt a little bit sorry for him because we would always be showing up for things back home and here in Raleigh and a whole delegation would be there and it would all be Republicans and there would be Ray. And I guess Ray got to see what it feels like to be in a minority that way.

"But the thing that was so great about Ray to me was that despite the fact that he was a Democrat and I was a Republican and the rest of us over there were Republicans, was that he could separate party and partisonship from friendship. And I won't share some of those personal things with you because they get pretty personal and also political. But the fact of the matter is I know he was very defensive to me in ways that kind of stuck his neck out with his own people sometimes back home and I appreciated that so very much from him. So, he was a friend.

"In addition to that, I wanted to mention that I really believe that people are reflected in their family and I got to know Ray's family in some pretty sort of fortuitous ways. I guess that Ray's family liked to be physically fit. What was so funny about it was that I was a member for a long time of a health club in Hickory called the Nautilus. And I went in there and I found out that Ray's brother was a member, Hugh. We became real good friends and stayed friends until I went to another health club. But at any rate, Hugh and I got to be buddies that way. And then when I was in Raleigh I joined a health club here with a step–class and, lo and behold, there was Christie, his step–daughter, who was in that with me, and I thought that was so funny. So, I knew two of his family members that way and then, of course, Ruthie, everybody knows.

"But at any rate, I just wanted to share those personal remembrances with ya'll because he's somebody I'll always remember and I did want to mention, kind of following up on Senator Harris' comments, Senator Harris, I know that Senator Kincaid and Senator Simpson would be saying something but we did not realize that this was going to be on the floor today and I'm sure they regret that they're not here and I would like to be speaking on their behalf, also."

**By Senator Perdue:**

"You've heard so many good things about a good man that there is very little left to say. But my heart tells me that I should. Ray Fletcher sat beside me for the four years that I was in the House. And I remember the first little local bill that I had. My seat–mate, Representative Anderson, said that it was a good thing for me, a freshman, to learn to run a local bill. And I was having such a time with even figuring out how

to get one done, drafted, and where to go, that I talked to Ray about it. Because he would take the time to talk as many others do to freshman. And he walked with me to Jerry Cohen's office and he talked to me about the rules and he told me the thing that would make me good was learn the rules and that I need not go to all the receptions, Ruthie, that I needed to stay home at night and learn the rules. And plus that, I was a woman, and women should stay home anyhow.

"We had fun. We ended up living together at HoJo's, too, and Ray and I walked nearly every day. We would walk back in the woods where the houses are and he would talk to me about a tree that was in your front yard at your house and how he loved trees. And as we got to know each other he would talk to me about he loved his family, his step–daughters, and his daughter, and how he loved his people. But most of all, how he loved his job here in Raleigh.

"The week that he told me that he was sick, I cried, because I loved him. And I, just like Roy, sometimes have trouble figuring out why God seems to take the good angels from us so quickly. During his illness he was a hero to me. I never once heard him complain. I never saw him miss a meeting. And even during his last days, he let me talk to him on the phone. He's up there in heaven somewhere dancing today, thinking about us wasting our precious time talking about him. He wouldn't have wanted us to do this, but I'm glad we did. You guys had a really good Dad; a really good husband; a wonderful father. But North Carolina certainly had a tremendous public servant and we will miss him forever."

**By Senator Daniel:**

"Ruthie, Miss Mary Beth, Raye, and Lynn, I didn't know your Daddy long, but back in 1989 when I first got a Chairmanship, Manufacturing and Labor, I'll never forget that I had the distinction of getting the 'Bread Bill' and that 'Bread Bill' meant something to Ray. We had a lot of discussions about that and I had instructions, as Chairmen do every now and then, of holding that bill. So developed a relationship.

"With all the good things that have been said here today and they are all true, and our condolences certainly go out to the family, I want to say the one thing that has been left out over here. One of the greatest pieces of legislation that has ever passed this General Assembly passed last summer. One that we worked long and hard on; one that we are now being viewed in this Nation as being a model for and that is the fight to try to bring down health costs in the area of health reform. If you remember that great piece of legislation the Omnibus Health Care Reform Act of 1993 has the title of the Fletcher/Jeralds/Ezzell Act, and appropriately so. As Senator Cooper said, your daddy and husband never forgot the everyday people that he represented. And it is certainly embodied in that bill that so appropriately carries his name from now on."

**By Senator Basnight:**

"Thank you, Mr. President. Members of this Body, Ray Fletcher was a friend to all of us. He was a friend to nature. He cared, as Senator Perdue said, about those trees, the animals that live there and all that nature gave us. He was a wonderful human being. The Resolution speaks of the many honors that were contributed to him. We realize those honors extend theirselves upon not just paper but life.

"I had an opportunity, Ruthie and family, to walk with your dad from HoJo's—not such as Senator Ballance, we did come back—but we shared in those early mornings

thoughts about this Assembly, the people of this great State, and our lives, and the reason that we're here. He helped me a great deal, as he did other members of this General Assembly. He gave a great deal of his life so that others could be kinder and gentler toward what we are, Mr. Ollie. And I call you that not as a Senator today but as a person similar to Ray Fletcher and that you cared for those people, as Russell did, that could not help themselves. He was always there fighting. He came to my office on three different occasions in support of those very bills and resolutions that Senator Harris and Senator Walker worked so aggressively for. I remember him for helping those who were downtrodden among us.

"I'll remember him as a special person in my life. I thank you and your family for letting us have him. And at the appropriate time, Mr. President, after your remarks, I move that the statements of the Members of the Senate be spread upon the pages of the Journal of this Body."

**Lt. Governor Wicker:**

Senator Basnight, I also would request that this Body adjourn in the memory of Ray Fletcher. Members of the Senate, if I might take just a moment to reflect upon the life of Ray Fletcher. He sat behind me on the House floor and I'm not going to view what's been said about Ray and certainly am not prepared adequately to express what his life has meant to me today. But I simply want to say to you that he was a special person.

"Ray's trait, I believe, as far as legislation is concerned was his deep and passionate yearning for a better environment. I believe that if you had to label Ray in any way it would be his love for pure environment in this State.

"And I recall when I'd look at Ray he would talk to you with his eyes. And when you knew he was in a ferrous fight he'd get that stealy–eyed look. You couldn't back down Ray Fletcher. He was a man of principle and conviction and he believed very deeply not just in this State but in the people of this State. And I believe that Ray today would say to you that he would not want this fanfare; that he would not want these remarks; that he wouldn't want them spread on the Journal nor would he want the adjournment in memory of him. But he was a great North Carolinian and I can understand how Members of this Body can get emotional talking about Ray Fletcher. Truly another great oak has fallen in North Carolina."

With unanimous consent, the joint resolution passes its second and third readings, with members standing, and is ordered enrolled.

The Chair extends courtesies of the gallery to the family of Ray Charles Fletcher: Mary Beth Fletcher, his wife; and Raye Lynn, Randy, and Ruth, his children.

## CALENDAR (Continued)

**H.B. 977** (Senate Committee Substitute), a bill to amend the Entry of Judgment Rule, Rule 58 of the Rules of Civil Procedure, as requested by the North Carolina Bar Association, as amended, upon third reading.

On motion of Senator Cooper, further consideration of the Senate Committee Substitute bill, as amended, is postponed until Wednesday, June 29.

On motion of Senator Basnight, seconded by Senator Edwards, the Senate adjourns at 4:13 P.M. in memory of Ray Charles Fletcher, former Member of the General Assembly, to meet tomorrow, Friday, June 24, at 12 Noon.

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## ONE HUNDRED TWENTY-NINTH DAY

SENATE CHAMBER,
Friday, June 24, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, in the midst of great activity today and in the days ahead, we ask You to remind us of Your Invisible Presence, that out of confused issues may come simplicity of plan; out of reservation may come confidence; out of hurry may come willingness to wait; out of weariness and frustration, rest and strength. In Your Name, we pray. Amen."

Senator Conder for the **Rules and Operation of the Senate Committee**, announces the Journal of yesterday, Thursday, June 23, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Marshall, due to personal business; to Senator Forrester, who is covering his medical practice; to Senator Ballantine, due to the demands of his law practice; to Senator Gulley, who is sick; and to Senator Winner of Buncombe, to Senator Soles, to Senator Smith, to Senator Simpson, to Senator Sands, to Senator Parnell, to Senator Johnson, and to Senator Folger.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**H.B. 1540** (Committee Substitute No. 3), a bill to create a separate crab license in Chapter 113 of the General Statutes and to establish a two–year moratorium on specified fishing licenses.

On motion of Senator Albertson, without objection, the Committee Substitute bill No. 3 is placed before the Senate for immediate consideration.

The Chair rules the Committee Substitute bill No. 3 does not require a call of the roll.

The Committee Substitute bill No. 3 passes its second (31–0) and third readings and is ordered enrolled.

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**H.J.R. 1759**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to extend the application deadline for licensure as a clinical social worker pursuant to G.S. 90B–10.

Referred to **Rules and Operation of the Senate Committee**.

**H.B. 1960**, a bill requiring the payment of delinquent taxes in Ashe County before recording deeds conveying property subject to delinquent taxes.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Judiciary II Committee.**

**H.J.R. 1975**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to authorize the Department of Transportation to lease a certain designated part of the right–of–way of N.C. 147 to the City of Durham for parking purposes.

Referred to **Rules and Operation of the Senate Committee**.

**H.B. 1999**, a bill to authorize the County of Durham to offer, pay, and appropriate funds to pay rewards in criminal cases.

Referred to **Judiciary I Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

**H.B. 2003**, a bill to prohibit the running of deer with dogs in Durham County.

Referred to **Agriculture, Marine Resources, and Wildlife Committee**.

**H.B. 2009**, a bill to exempt the City of Asheboro from certain zoning notice requirements.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 2019**, a bill to allow the City of Asheville to donate unclaimed bicycles to charity.

Referred to **Local Government and Regional Affairs Committee**.

**H.J.R. 2109**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to conform North Carolina laws regarding the establishment of child paternity to certain federal law requirements by amending the North Carolina laws of evidence relating to the manner of contesting blood or genetic marker tests in the trial of civil actions in which the question of parentage arises; by providing for the entry of judgment by default in paternity actions when the defendant fails to file answer; and, by giving full faith and credit to out–of–state paternity determinations regardless of method of establishment.

Referred to **Rules and Operation of the Senate Committee**.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 1679** (Committee Substitute), a bill to make sundry amendments relating to local governments in Orange, Chatham, Forsyth, and Nash Counties, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Gunter, Harris, Hartsell,

Hoyle, Hyde, Kaplan, Kerr, Lee, Lucas, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Seymour, Shaw, Sherron, Speed, Tally, Ward, Warren, and Winner of Mecklenburg—34.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S.B. 1685**, a bill to authorize the City of Kinston to levy a room occupancy and tourism development tax, as amended, upon third reading.

The bill, as amended, passes its third reading by roll–call vote, ayes 32, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Conder, Cooper, Daniel, Gunter, Harris, Hartsell, Hoyle, Hyde, Kaplan, Kerr, Lee, Lucas, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Seymour, Shaw, Sherron, Speed, Tally, Ward, Warren, and Winner of Mecklenburg—32.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives.

**S.B. 1511** (Committee Substitute), a bill to provide for special registration plates for supporters of professional sports teams, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Gunter, Harris, Hartsell, Hoyle, Hyde, Kaplan, Kerr, Lee, Lucas, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Seymour, Shaw, Sherron, Speed, Tally, Ward, Warren, and Winner of Mecklenburg—35.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S.B. 1663** (Committee Substitute), a bill to authorize the issuance of thirty–five million dollars of State Parks bonds or notes and to appropriate the proceeds of these bonds and notes for specific State Parks capital improvement projects and land acquisition, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Gunter, Harris, Hartsell, Hoyle, Hyde, Kaplan, Kerr, Lee, Lucas, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Seymour, Shaw, Sherron, Speed, Tally, Ward, Warren, and Winner of Mecklenburg—35.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 27, for further consideration upon third reading.

**S.B. 764**, a bill to remove the deadline on applications for refunds from the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System for cooperative agricultural extension service employees.

The bill passes its second (34–0) and third readings and is ordered sent to the House of Representatives.

## REPORT TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports (*See Appendix*) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to G.S. 115C–238.15(d), the North Carolina Department of Public Instruction submits its Outcome–Based Education Report.

Pursuant to the direction of the 1993 Session of the General Assembly or the 1994 Special Session of the 1993 General Assembly, the North Carolina Department of Correction submits the following reports:

Housing of Certain Felons Outside the State of North Carolina Report.
Plan for Contracting with Private Substance Abuse Treatment Centers.
Plan for Substance Abuse Treatment Pilot Program for Parolees and Probationers.
Probation/Parole Diversion Study.
Probation/Parole Paperwork Reduction Study.
Study of Correction Enterprises and Prison Canteen Funds.
Bunking Inmates in Shifts.
Work Camp Pilot Program.
Implementation and Operation of Napoleon Hill Positive Mental Attitude Program.

On motion of Senator Basnight, seconded by Senator Winner of Mecklenburg, the Senate adjourns at 12:45 P.M. to meet Monday, June 27, at 6:00 P.M. (*See Appendix*)

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# ONE HUNDRED THIRTIETH DAY

SENATE CHAMBER,
Monday, June 27, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, the eyes of our great State turn to Raleigh and the Legislature this week as a vision for our people will be determined by the Senators and Members of the House.

"Though there are sure to be authentic and well–intentioned differences in philosophy and ideology, let the debate always be guided by Your Presence.

"Remind us that since we cannot always do what we like, grant that we may like what we must do, knowing that right in the end will prevail. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Friday, June 24, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Winner of Buncombe, to Senator Smith, to Senator Simpson, to Senator Kincaid, and to Senator Johnson. Senator Winner of Buncombe is noted present and the leave of absence requested is withdrawn.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**S.B. 118** (House Committee Substitute), an act to change the process of appealing under the State Personnel Act certain personnel decisions of local appointing authorities. (Ch. 572)

**S.B. 1669**, an act to authorize the County of Mecklenburg to purchase telecommunications, data processing, and data communications equipment, supplies, and services on a request for proposal basis. (Ch. 573)

**H.B. 2014**, an act relating to the definition of "subdivision" for the purpose of subdivision regulation in Stanly County. (Ch. 574)

**H.B. 2048**, an act relating to Mayland Community College's contract. (Ch. 575)

**H.B. 1540** (Committee Substitute No. 3), an act to create a separate crab license in Chapter 113 of the General Statutes and to establish a two–year moratorium on specified fishing licenses. (Ch. 576)

**H.J.R. 2131,** a joint resolution honoring the life and memory of Ray Charles Fletcher, former member of the General Assembly. (Res. 36)

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**S.B. 87**, a bill to require consent of the Board of Commissioners of Catawba, Cumberland, Durham, Gaston, Graham, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the county and to provide that the provisions of G.S. 153A–15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property, for concurrence in the House Committee Substitute bill which changes the title, upon concurrence, to read **S.B. 87** (House Committee Substitute), a bill to require consent of the Board of Commissioners of listed counties before land may be condemned or acquired by a unit of local government outside the county and to provide that the provisions of G.S. 153A–15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property.

On motion of Senator Sands, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration, upon concurrence.

The Senate fails to concur in the House Committee Substitute bill (0–43). Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Folger (Chairman), Winner of Mecklenburg, and Forrester, as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

**S.B. 94** (House Committee Substitute No. 2), a bill to authorize units of local government, local school boards, and community colleges to enter into guaranteed

energy savings contracts in order to finance energy conservation measures in local public facilities, for concurrence in the House Committee Substitute bill No. 2.

On motion of Senator Plexico, the rules are suspended without objection, and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration, upon concurrence.

The Senate fails to concur in the House Committee Substitute bill No. 2. Senator Plexico offers a motion that the Senate do appoint conferees which motion prevails.

The President *Pro Tempore* appoints Senators Plexico (Chairman), Tally, Cooper, and Soles as conferees on the part of the Senate to resolve the differences arising between the two Bodies.

The President *Pro Tempore* consequently removes Senator Soles as a conferee and appoints Senator Edwards.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## RECALL FROM OFFICE OF THE PRINCIPAL CLERK

**H.B. 2055**, a bill to amend the Charter of the City of Raleigh to allow the Council to provide special elections for the filling of vacancies, ordered held in the Office of the Principal Clerk on June 20.

With unanimous consent, on motion of Senator Sands, the bill is recalled from the Office of the Principal Clerk, read the first time, and referred to the **Constitution and Election Laws Committee**.

**H.B. 2017** (Committee Substitute), a bill to authorize the Town of Mint Hill to exercise extraterritorial jurisdiction within its sphere of influence, ordered held in the Office of the Principal Clerk on June 21.

With unanimous consent, on motion of Senator Sands, the Committee Substitute bill is recalled from the Office of the Principal Clerk, read the first time, and referred to the **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee**.

## EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and referred to committee, as follows:

**Executive Order No. 53** North Carolina Interagency Council for Coordinating Homeless Programs.

Referred to **Rules and Operation of the Senate Committee**.

## MESSAGE FROM THE UNITED STATES HOUSE OF REPRESENTATIVES

The President directs the Reading Clerk to read the following message:

ONE HUNDRED THIRD CONGRESS
**CONGRESS OF THE UNITED STATES**
**House of Representatives**
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515–6216

**S.R. 1625** June 20, 1994

The Honorable Sylvia M. Fink
Principal Clerk of the Senate
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27611

*Dear Ms. Fink:*

The Speaker of the House has referred to this Committee Senate Resolution No. 1625, as adopted by the North Carolina General Assembly, proposing an amendment to the U.S. Constitution prohibiting physical desecration of the flag of the United States.

This resolution has been forwarded to the Subcommittee on Civil and Constitutional Rights.

Sincerely,
S/Jack Brooks
*Chairman*

## RESOLUTION FROM ANOTHER STATE

The following joint resolution is received from another legislative body (*See Addendum*) presented to the Senate, and ordered placed on file in the Office of the Principal Clerk.

STATE OF ILLINOIS HOUSE JOINT RESOLUTION NO. 86, A Joint Resolution Resolving that the sister forty–nine states of the United States of America be urged to join in this action on behalf of their state and the citizens of their state who are being held in captivity in Southeast Asia.

## REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title and takes its place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

**S.B. 1505** (House Committee Substitute), a bill to modify the Current Operations Appropriations Act of 1993, to make appropriations for capital improvements for the 1994–95 Fiscal Year, and to make other changes in the budget operation of the State, with an unfavorable report as to concurrence.

On motion of Senator Daniel, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration, upon concurrence.

Pursuant to Rule 42.4, Senator Folger rises to a point of order as to Section 121 of the House Committee Substitute bill being eligible for consideration.

The Chair sustains the point of order and rules, pursuant to Rule 42.4, that Section 121 of the measure is ineligible for consideration.

The Senate fails to concur in the House Committee Substitute bill (0–44).

Senator Daniel offers a motion that the Senate do appoint conferees, with instructions, not to consider Section 121 of House Committee Substitute bill 1505 as a matter properly before the Conference Committee, which motion prevails.

The President *Pro Tempore* appoints Senators Daniel (Chairman), Plyler, Cochrane, Kaplan, Lee, Odom, Martin of Pitt, Plexico, Perdue, Richardson, Hartsell, and Ward as conferees on the part of the Senate to resolve the differences arising between the two Bodies.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 1663** (Committee Substitute), a bill to authorize the issuance of thirty–five million dollars of State Parks bonds or notes and to appropriate the proceeds of these bonds and notes for specific State Parks capital improvement projects and land acquisition, upon third reading.

On motion of Senator Winner of Buncombe, further consideration of the Committee Substitute bill is postponed until tomorrow, Tuesday, June 28.

The President recognizes the following pages serving in the Senate this week: William Andrews, Burlington; Latrice Evette Best, Kinston; Christal Brown, Kinston; Robert C. Carpenter, Sylva; William Gaston Johnson III, Mocksville; Dava Brooke Machacek, Raleigh; Allan Minton, Thurmond; Dana Michelle Pearce, Raleigh; Anna Poppe, Knightdale; Dana J. Powell, Mebane; Molly Freeman Prentis, Durham; Thomas Scott Respess, Greenville; Jennifer Sheffield, Hendersonville; Kelly Le Moyne Shooter, Rowland; Danica Alexis Smith, Pineville; Joshua Edward Swindell, Bath; Jamie Vivian Tunnell, Swan Quarter; Cameron S. Tussey, Lexington; Deborah Marie Tyson, Rocky Mount; Sarah Dianne Ward, Tyner; Sara Grace Webb, Hendersonville; Joseph M. Williams, Jr, Kinston; and Kent Wyatt, Wilson.

On motion of Senator Basnight, seconded by Senator Gulley, the Senate adjourns at 7:12 P.M. to meet tomorrow, Tuesday, June 28, at 1:30 P.M.

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# ONE HUNDRED THIRTY–FIRST DAY

SENATE CHAMBER,
Tuesday, June 28, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Merciful God, on the days when the world around us seems too large and complex, we need to remember that great world ideals all began and will continue to be birthed on the playgrounds, the front porches, or around the dinner tables of our hometown neighborhoods.

"Though we will still be charged with the responsibility of solving the complex problems of our society, by occasionally looking through the eyes of children, we might at least remember where we were heading in the first place. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, June 27, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Simpson and to Senator Smith.

With unanimous consent, on motion of Senator Basnight all bills and resolutions ordered sent to the House of Representatives are sent by special messenger for the remainder of the Session.

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

**S.B. 1712**, a bill to conform North Carolina laws regarding the establishment of child paternity to certain federal law requirements by amending the North Carolina laws of evidence relating to the manner of contesting blood or genetic marker tests in the trial of civil actions in which the question of parentage arises; by providing for the entry of judgment by default in paternity actions when the defendant fails to file answer; and, by giving full faith and credit to out–of–State paternity determinations regardless of method of establishment, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 1467** (Committee Substitute No. 2), a bill to strengthen the requirements to have a child in a restraint system while operating a motor vehicle, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 7907 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Wednesday, June 29, for further consideration.

By Senator Tally for the **Environment and Natural Resources Committee**:

**S.B. 898** (House Committee Substitute), a bill to provide that an owner of an on–site land clearing and inert debris landfill does not have to obtain a State permit and to regulate such landfills, with a favorable report as to concurrence.

**H.B. 1961** (Committee Substitute No. 2), a bill to encourage the voluntary remediation of contaminated sites, as recommended by the Environmental Review Commission, unfavorable as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the proposed Senate Committee Substitute bill 4337, which changes title, upon concurrence, to read **H.B. 1961** (Senate Committee Substitute), a bill to encourage the voluntary remediation of contaminated sites, as recommended by the Environmental Review Commission, and to provide that a person who knowingly makes a false statement in documents required under the solid waste laws is guilty of a misdemeanor, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Senate Committee Substitute bill is adopted, and on her further motion is not sequentially referred to the **Judiciary I Committee** as ordered June 20, but is placed on the Calendar for tomorrow, Wednesday, June 29, for further consideration upon it passage.

By Senator Ballance for the **Judiciary I Committee**:

**H.B. 1964**, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue Tyrrell County weapon permits, with a favorable report.

**H.B. 1551**, a bill to eliminate the requirement of proof of financial responsibility upon renewal of a drivers license, with a favorable report, as amended.

**H.B. 1770** (Committee Substitute), a bill to make it a felony for any person to transfer a handgun to a minor as recommended by the Child Fatality Task Force, with a favorable report, as amended.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**H.B. 1619**, a bill to comply with federal law by revising the bingo stamp method of ensuring that for–hire vehicles operated in this State in interstate commerce are insured and to make technical changes to the motor carrier laws.

Referred to **Transportation Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 1882**, a bill to allow the Town of White Lake to operate a contract post office.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 1951**, a bill to allow the Town of Boonville to install sewer lines with its own crew and equipment.

Referred to **Local Government and Regional Affairs Committee**.

**H.J.R. 2013**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a joint resolution honoring the veterans of North Carolina who served during World War II.

Referred to **Rules and Operation of the Senate Committee**.

**H.B. 2022**, a bill to enable the City of Gastonia to dissolve the Gastonia Airport Authority.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 2029**, a bill relating to the regulation of subdivisions in Robeson County.

Referred to **Local Government and Regional Affairs Committee**.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**S.B. 1505**
(House Committee Substitute)

House of Representatives
June 27, 1994

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **S.B. 1505**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 1993, TO MAKE APPROPRIATIONS FOR CAPITAL IMPROVEMENTS FOR THE 1994–95 FISCAL YEAR, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, the Speaker has appointed as conferees on the part of the House, Representatives Diamont, Nesbitt, Black, Rogers, Crawford, Wainwright, Easterling, Nye, Holt, Bowman, McAllister, McLaughlin, Lemmond, Dickson, Bowie, Gray, Esposito, Robinson, Barnes, Fitch, Redwine, Wright, H. Hunter, Richardson, and Hensley to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## RECALL FROM COMMITTEE

**S.J.R. 1720**, a joint resolution honoring the City of Mount Airy on being named an All America City, referred to the **Rules and Operation of the Senate Committee** on June 23.

Pursuant to Rule 47(b), Senator Sands offers a motion that the joint resolution be recalled from the **Rules and Operation of the Senate Committee** and placed at the end of todays Calendar, which motions prevail.

The Chair orders the joint resolution taken from the **Rules and Operation of the Senate Committee** and placed at the end of today's Calendar for consideration upon its passage.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 1663** (Committee Substitute), a bill to authorize the issuance of thirty–five million dollars of State Parks bonds or notes and to appropriate the proceeds of these bonds and notes for specific State Parks capital improvement projects and land acquisition, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special messenger.

**S.B. 1336** (Committee Substitute No. 2), a bill to allow service of process by a private process server when process is returned unexecuted, as amended, upon third reading.

With unanimous consent, on motion of Senator Marshall, the Committee Substitute bill No. 2 is taken up out of its regular order of business.

On motion of Senator Marshall, further consideration of the Committee Substitute bill No. 2, as amended, is postponed until tomorrow, Wednesday, June 29.

**H.B. 536** (Senate Committee Substitute), a bill to allow area mental health, developmental disabilities, and substance abuse authorities to purchase property by installment contracts, upon third reading.

On motion of Senator Cochrane, further consideration of the Senate Committee Substitute bill is postponed until tomorrow, Wednesday, June 29.

**H.B. 1755** (Senate Committee Substitute), a bill to amend the counties in which it is a criminal offense to practice phrenology, palmistry, fortune telling, clairvoyance, and other similar crafts.

The Chair rules the Senate Committee Substitute bill a public bill.

Senator Ballance rises to a point of order, pursuant to Resolution 31, as to the measure being eligible for consideration, which point of order he subsequently withdraws.

Senator Ballance offers Amendment No. 1 which proposes to change the title to read, upon concurrence, **H.B. 1755**, a bill to eliminate the criminal offense related to the practice of phrenology, palmistry, fortune telling, clairvoyance, and other similar crafts.

Senator Kerr rises to a point of order as to Amendment No. 1 being germane to the original subject matter of the bill.

The Chair rules Amendment No. 1 germane and fails to sustain the point of order.

Senator Ballance, offers a motion further consideration of the Senate Committee Substitute bill be postponed until tomorrow, June 29, with Amendment No. 1 pending, which motion prevails. The Chair orders the measure placed on the Calendar for tomorrow, June 29, for further consideration, with Amendment No. 1 pending.

## REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

**H.B. 1034**, a bill to allow public contracts involving less than fifty thousand dollars to be awarded to nonlicensed contractors, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the proposed Senate Committee Substitute bill 4339, which changes the title, upon concurrence, to read **H.B. 1034** (Senate Committee Substitute), a bill to allow public contracts involving less than fifty thousand dollars to be awarded to nonlicensed contractors, to establish the North Carolina On–Site Wastewater System Contractors Licensing Board, and to amend the Elevator Safety Act, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted and on his further motion is re–referred to the **Finance Committee.**

By Senator Warren for the **Banks and Thrift Institutions Committee:**

**H.B. 1917** (Committee Substitute), a bill to amend the effective date of the North Carolina Interstate Banking Act and to set an application fee, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee.**

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee**:

**S.B. 1419**, a bill to expand the Beaver Damage Control Program to additional counties and to appropriate funds to implement the expansion, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

**S.B. 1538**, a bill to establish a Beaver Management Assistance Program available to all counties experiencing beaver damage, to authorize the Wildlife Resources Commission to collect fees from participants receiving services under the Program, to establish the Beaver Management Assistance Program Advisory Board, and to appropriate funds to implement the Program, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**S.B. 1609**, a bill to change the season for taking foxes in Caswell County, with a favorable report.

**S.B. 1668**, a bill to prohibit hunting and discharging firearms from public roads and highways in Union County, with a favorable report.

## CALENDAR (Continued)

**S.J.R. 1720**, a joint resolution honoring the City of Mount Airy on being named an All America City, earlier today placed at the end of the Calendar for consideration upon its passage.

With unanimous consent on motion of Senator Folger, the joint resolution is read in its entirety.

The joint resolution passes its second (44–0) and third readings and is ordered sent to the House of Representatives by special messenger.

On motion of Senator Basnight, seconded by Senator Allran, the Senate adjourns at 3:07 to meet tomorrow, Wednesday, June 29, at 1:30 P.M.

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# ONE HUNDRED THIRTY–SECOND DAY

SENATE CHAMBER,
Wednesday, June 29, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Joseph Harvard, Minister of First Presbyterian Church, Durham, as follows:

"Gracious God, we pause to thank You for the gift of life and for the opportunity we have to live this day. For all that you have given us to sustain us and to strengthen us. We thank you for this deliberative Body, for those who serve. Guide them as they wrestle with the budget and with other issues today. Enable them to see beyond the figures, the human beings and the lives that are effected by their decisions. Give them insight into what makes the common good and what strengthens it. Let them remember that they serve a public trust beyond personal gain and glory. May they be especially sensitive to the needs of those less–fortunate. For we remember that you have taught us that the measure of a societies greatness is the way in which it deals with those in greatest need. Enable them to work for the well–being of all the citizens of this State, all your children and give them the satisfaction that comes from a job well done. For we ask it in Your Holy Name. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, June 28, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Hyde, who is attending the graduation of his daughter from basic training in the United States Army.

Pursuant to the motion prevailing on Tuesday, June 28, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

## REPORT OF COMMITTEE

A joint resolution is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Seymour for the **Public Utilities Committee:**

**S.J.R. 1709**, a joint resolution providing for the confirmation of the appointment of Hugh Wells made by the Governor to membership on the North Carolina Utilities Commission, with a favorable report.

On motion of Senator Seymour, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration, upon its passage.

The joint resolution passes its second (45–0) and third readings and is ordered sent to the House of Representatives by special messenger.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 763**, an act to allow Pender County and its municipalities to specify by interlocal agreement a redistribution of local sales tax revenues not restricted by law. (Ch. 577)

**H.B. 1727**, an act relating to service of complaints and orders in housing code cases. (Ch. 578)

**S.B. 725**, an act to modify the percentage of sales that must be attributable to food and nonalcoholic beverages by restaurant permittees. (Ch. 579)

## REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

**S.B. 1660,** a bill to make a change in the funding formula for Guilford County schools provided by the merger act, with a favorable report.

By Senator Speed for the **Transportation Committee**:

**H.B. 1552**, a bill to make permanent the exemption for real estate acquired by the Department of Transportation from the requirement that it be appraised by a licensed or certified appraiser when the estimated value of the real estate is less than ten thousand dollars, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 1619**, a bill to comply with federal law by revising the bingo stamp method of ensuring that for–hire vehicles operated in this State in interstate commerce are insured and to make technical changes to the motor carrier laws, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 1843** (Committee Substitute), a bill to conform the Vehicle Emissions Inspection Program to the requirements of federal law and to make technical changes in the vehicle inspection laws, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee**.

## WITHDRAWAL FROM CALENDAR

**S.B. 1660,** a bill to make a change in the funding formula for Guilford County schools provided by the merger act, placed on the Calendar for tomorrow, Thursday, June 30, earlier today.

Senator Martin of Guilford offers a motion that the bill be taken from the Calendar for tomorrow, Thursday, June 30, and placed at the end of today's Calendar, which motions prevail.

The Chair orders the bill taken from the Calendar for tomorrow, Thursday, June 30, and places it at the end of today's Calendar for consideration upon its passage.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**S.B. 1712**, a bill to conform North Carolina laws regarding the establishment of child paternity to certain federal law requirements by amending the North Carolina

laws of evidence relating to the manner of contesting blood or genetic marker tests in the trial of civil actions in which the question of parentage arises; by providing for the entry of judgment by default in paternity actions when the defendant fails to file answer; and, by giving full faith and credit to out–of–State paternity determinations regardless of method of establishment, referred to the **Appropriations Committee** on June 28.

Pursuant to Rule 47(b), Senator Plyler offers a motion that the bill be taken from the **Appropriations Committee** and placed at the end of today's Calendar for consideration upon its passage which motions prevail.

The Chair orders the bill taken from the **Appropriations Committee** and places it at the end of today's Calendar for consideration upon its passage.

## REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee**:

**H.B. 644** (Committee Substitute No. 2), a bill to amend the Sedimentation Pollution Control Act of 1973 to make it more effective, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the proposed Senate Committee Substitute bill 1374 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Finance Committee**.

By Senator Walker for the **Children and Human Resources Committee:**

**S.B. 872** (House Committee Substitute), a bill to provide that family care homes shall be treated as residences for purposes in addition to zoning, with a favorable report as to concurrence.

By Senator Winner of Buncombe for the **Finance Committee**:

**S.B. 1045** (House Committee Substitute), a bill to broaden existing income tax credits for the production and installation of solar and photovoltaic equipment by increasing the amounts of the credits and extending the solar equipment credits to include equipment that generates electricity, with a favorable report as to concurrence.

On motion of Senator Winner of Buncombe, the rules are suspended, and the House Committee Substitute bill is placed at the end of today's Calendar for consideration upon concurrence.

**S.B. 1662**, a bill to annex to the Town of Davidson a described area lying within its corporate boundaries, with a favorable report.

On motion of Senator Winner of Buncombe, the rules are suspended, and the bill is placed at the end of today's Calendar for consideration upon second reading.

**S.B. 1713**, a bill to restore the soft drink tax exemption for natural juice with no additives other than vitamins, minerals, or sugar, with a favorable report.

On motion of Senator Winner of Buncombe, the rules are suspended, and the bill is placed at the end of today's Calendar for consideration upon its passage.

**H.B. 1917** (Committee Substitute), a bill to amend the effective date of the North Carolina Interstate Banking Act and to set an application fee, with a favorable report.

The Chair rules the Committee Substitute bill does not require a call of the roll and orders the measure placed on the Calendar for tomorrow, Thursday, June 30, for consideration upon its passage.

**S.B. 1566** (Committee Substitute), a bill to provide for uniform drivers license and vehicle registration information and to amend the window tinting law, with a favorable report, as amended.

On motion of Senator Winner of Buncombe, the rules are suspended, and the bill is placed at the end of today's Calendar for consideration upon its passage.

**S.B. 1579**, a bill to make technical, conforming, and administrative changes to the motor vehicle laws and other laws concerning the Department of Transportation, as amended upon the recommendation of the Transportation Committee, with a favorable report, as amended.

On motion of Senator Winner of Buncombe, the rules are suspended, and the bill, as amended, is placed at the end of today's Calendar for consideration upon its passage.

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee**:

**S.B. 1362**, a bill to make it unlawful to remove or destroy electronic collars on dogs in Haywood, Jackson, Swain, Macon, Henderson, and Transylvania Counties, with a favorable report.

By Senator Folger for the **Local Government and Regional Affairs Committee**:

**S.B. 1321**, a bill to incorporate the Town of Sandyfield in Columbus County, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**S.B. 1648**, a bill to modify the provisions of the Charter of the City of Fayetteville concerning fair housing, with a favorable report.

**S.B. 1693**, a bill amending the Charter of the Town of Green Level in Alamance County to authorize enactment of a property maintenance ordinance and the assessment of certain costs of enforcement as a lien against the property, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 1556**, a bill to revise and consolidate the Charter of the Town of Winterville, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 1557**, a bill to remove from the corporate limits of the Town of Grifton certain described territory in Lenoir County, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 1880** (Committee Substitute), a bill to allow the Town of Beech Mountain to install sewer lines with its own crew and equipment, with a favorable report.

**H.B. 1926**, a bill to allow Brunswick County to acquire property for use by the County Board of Education, and to provide for the use of county owned property by

schools in certain counties, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 1955**, a bill concerning zoning classifications in the City of Winston–Salem and Forsyth County, with a favorable report.

**H.B. 1956**, a bill concerning zoning by the City of Winston–Salem and Forsyth County, with a favorable report.

**H.B. 1957**, a bill relating to disqualification of contractors from bidding on construction contracts of the City of Winston–Salem, with a favorable report.

**H.B. 2012** (Committee Substitute), a bill to authorize the Village of Bald Head Island to increase its room occupancy tax from three percent to six percent, to modify the existing Bald Head Island room occupancy tax, and to allow Columbus County to create fire protection districts in which fire protection is funded by fees rather than taxes, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee**.

**H.B. 2017** (Committee Substitute), a bill to authorize the Town of Mint Hill to exercise extraterritorial jurisdiction within its sphere of influence, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee**.

**H.B. 1827**, a bill to repeal the exemption of Beaufort County from certain provisions of law relating to the appointment of commissioners of a public housing authority, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Senate Committee Substitute bill 1373, which changes the title, upon concurrence, to read **H.B. 1827** (Senate Committee Substitute), a bill to provide that the exemption of Beaufort County from certain provisions of law relating to the appointment of commissioners of a public housing authority shall not be applicable to the City of Washington and the Washington Housing Authority, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 30, for further consideration.

By Senator Folger, Vice–Chairman, for Senator Hyde, Chairman, for the **Constitution and Election Laws Committee**:

**H.B. 2055**, a bill to amend the Charter of the City of Raleigh to allow the Council to provide special elections for the filling of vacancies, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Senate Committee Substitute bill 1376 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Folger, the Senate Committee Substitute bill is re–referred to the **Local Government and Regional Affairs Committee**.

By Senator Ballance for the **Judiciary I Committee**:

**H.B. 1049** (Committee Substitute), a bill to amend the law concerning assaults on governmental officers and employees to include company police officers and campus police officers, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 1375 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 30, for further consideration upon its passage.

By Senator Cooper for the **Judiciary II Committee**:

**S.B. 1628**, a bill clarifying that a motor vehicle operating lease that contains a terminal rental adjustment clause is not a sale and does not create a security interest in the leased property, with a favorable report.

**S.J.R. 1701**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to provide that it is unlawful to engage in vaginal intercourse with a child under sixteen years of age, with a favorable report.

Pursuant to Rule 43, the joint resolution is re–referred to the **Rules and Operation of the Senate Committee**.

**H.B. 650** (Committee Substitute No. 2), a bill to authorize the imposition of administrative penalties for violations of asbestos hazard management provisions, and to transfer asbestos rule–making authority to the Commission for Health Services, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the proposed Senate Committee Substitute bill 7485, which changes the title, upon concurrence, to read **H.B. 650** (Senate Committee Substitute), a bill to amend Article 19 of Chapter 130A of the General Statutes regarding asbestos hazard management and to make certain technical changes to conform with recent federal requirements, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted. Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Finance Committee**.

**H.B. 1972** (Committee Substitute), a bill to clarify that all data except effluent or emission data is entitled to protection as a trade secret pursuant to G.S. 132–1.2, as recommended by the Environmental Review Commission, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 4343 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 30, for further consideration upon its passage.

**H.B. 795**, a bill to amend the law pertaining to the prohibition of certain solicitation by health care providers, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 9440, which changes the title, upon concurrence, to read **H.B. 795** (Senate Committee Substitute), a bill to amend the law pertaining to the prohibition of certain solicitations by health care providers, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 30, for further consideration upon its passage.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**S.B. 1707**, a bill to amend the setoff debt collection act to require the Department of Human Resources to submit certain debts for collection by setoff against the debtors' State income tax refunds, referred to the **Judiciary II Committee** on June 13.

Pursuant to Rule 47(b), Senator Cooper offers a motion that the bill be taken from the **Judiciary II Committee** and re–referred to the **Finance Committee**, which motions prevail.

The Chair orders the bill taken from the **Judiciary II Committee** and re–refers it to the **Finance Committee.**

**H.B. 2017** (Committee Substitute), a bill to authorize the Town of Mint Hill to exercise extraterritorial jurisdiction within its sphere of influence, referred to the **Finance Committee** earlier today.

Pursuant to Rule 47(b), Senator Winner of Buncombe offers a motion that the Committee Substitute bill be taken from the **Finance Committee** and placed at the end of today's Calendar for consideration.

The Chair orders the Committee Substitute bill taken from the **Finance Committee** and orders it placed at the end of today's Calendar for consideration upon its passage.

## REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Folger for the **Local Government and Regional Affairs Committee**:

**S.B. 1642,** a bill to authorize the City of Durham to collect delinquent water and sewer fees resulting from leaking pipes or fixtures in the same manner as property taxes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Committee Substitute bill 5843 is placed before the Senate for immediate consideration, and on his further motion is adopted.

The Chair rules the Committee Substitute bill does not require a call of the roll.

Taking precedent over the sequential referral to the **Finance Committee**, on motion of Senator Gulley, with unanimous consent, the Committee Substitute bill is placed at the end of today's Calendar for further consideration upon its passage.

## INTRODUCTION OF RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Conder, Basnight, Daniel, Hoyle, Lee, Perdue, Plyler, and Sands:

**S.R. 1721**, a Senate simple resolution honoring Raymond Wallace Goodman by naming him Sheriff Emeritus of Richmond County.

On motion of Senator Conder, the Senate simple resolution is placed before the Senate for immediate consideration for adoption.

On motion of Senator Conder, the Senate simple resolution is adopted (42–0). (*The text of this resolution appears in the Appendix.*)

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**H.B. 1775**, a bill to resolve a conflict in the dealer license plate law concerning the use of dealer license plates on vehicles used by a dealer in a business that is separate from the business of selling motor vehicles, and to provide that a registration card issued for a dealer plate is not required to be specific for that dealer plate.

Referred to **Finance Committee**.

**H.B. 1959**, a bill to prohibit hunting with firearms from public roads in Cabarrus and Pasquotank Counties.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

**H.B. 1981** (Committee Substitute), a bill to authorize the Town of Oriental to levy a room occupancy and tourism development tax.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 2030** (Committee Substitute), a bill to annex a certain described area to the corporate limits of the Town of Carthage, and to prescribe that the boundaries of another area are primary corporate limits of only the Town of Southern Pines.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 2032**, a bill relating to service of complaints and orders in housing code cases in the City of Asheville and to authorize the City Council to require owners of rental property within the City of Asheville to authorize an agent to accept service of process.

Referred to **Local Government and Regional Affairs Committee.**

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**S.B. 87** House of Representatives
(House Committee Substitute) June 28, 1994

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 87**, A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSENT OF THE BOARD OF COMMISSIONERS OF LISTED COUNTIES BEFORE LAND MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY AND TO PROVIDE THAT THE PROVISIONS OF G.S. 153A-15 IN ANY COUNTY SUBJECT TO THAT SECTION DO NOT APPLY TO PROPERTY WITHIN THE CITY LIMITS OF THE CITY THAT IS ACQUIRING THE PROPERTY, the Speaker has appointed as conferees on the part of the House, Representative Gamble, Representative Cunningham, and Representative Dickson, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**S.B. 94** House of Representatives
(House Committee Substitute No. 2) June 28, 1994

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute #2 to **SB 94**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNITS OF LOCAL GOVERNMENT, LOCAL SCHOOL BOARDS, AND COMMUNITY COLLEGES TO ENTER INTO GUARANTEED ENERGY SAVINGS CONTRACTS IN ORDER TO FINANCE ENERGY CONSERVATION MEASURES IN LOCAL PUBLIC FACILITIES, the Speaker has appointed as conferees on the part of the House, Representative Gottovi, Representative Luebke, Representative Brawley, Representative Bowman, Representative R. Hunter, Representative Mavretic, and Representative Michaux, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## CONFERENCE REPORT

**H.B. 80** (Senate Committee Substitute)

Senator Winner of Buncombe, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H.B. 80** (Senate

Committee Substitute), a bill to reduce the time allowed the Department of Revenue to make assessments of taxes following a federal determination, to reinstate an inadvertently deleted provision relating to assessments for employer withholding based on federal determinations, and to clarify the assessment statutes, submits the following report:

*To the President of the Senate*
*The Speaker of the House of Representatives*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on **House Bill 80**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE TIME ALLOWED THE DEPARTMENT OF REVENUE TO MAKE ASSESSMENTS OF TAXES FOLLOWING A FEDERAL DETERMINATION, TO REINSTATE AN INADVERTENTLY DELETED PROVISION RELATING TO ASSESSMENTS FOR EMPLOYER WITHHOLDING BASED ON FEDERAL DETERMINATIONS, AND TO CLARIFY THE ASSESSMENT STATUTES, Senate Finance Committee Substitute Adopted 7/21/93, submit the following report:

The House and Senate agree to the following amendments to the Senate Committee Substitute, Senate Finance Committee Substitute Adopted 7/21/93, and the House concurs in the Senate Committee Substitute as amended:

on page 5, line 38, rewrite that line to read:
"determination. If a taxpayer forfeits a tax credit pursuant to G.S. 105-163.014, the Secretary must assess any tax or additional tax due as a result of the forfeiture within three years after the date of the forfeiture. In all other cases, the Secretary must propose an assessment of any";

on page 6, line 9, rewrite that line to read:
"~~return was required by law to be filed, whichever is the later. If a taxpayer forfeits a tax credit pursuant to G.S. 105-163.014, the Secretary shall assess any tax or additional tax due as a result of the forfeiture within three years after the date of the forfeiture. Any tax or additional~~";

and on page 8, lines 30 through 32, rewrite those lines as follows:
"Sec. 7. This act becomes effective January 1, 1995, and applies to assessments of taxes for which the statute of limitations had not expired on or before January 1, 1995.".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June 15, 1994.

S/Dennis J. Winner
S/Roy A. Cooper, III
S/John Kerr, III

*Conferees for the Senate*

S/Joe Hackney
S/John R. Gamble, Jr.
S/Thomas E. Wright

*Conferees for the House of Representatives*

The Chair rules the Conference Report not to be material.

On motion of Senator Winner of Buncombe, the Conference Report is adopted (45-0) and a message is ordered sent to the House of Representatives informing that

Honorable Body of such action to the end that when a similar action has been taken on the part of the House of Representatives, the Speaker may order the Senate Committee Substitute bill enrolled.

## CONFERENCE REPORT

**S.B. 87** (House Committee Substitute)

Senator Folger, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 87**, a bill to require consent of the Board of Commissioners of Catawba, Cumberland, Durham, Gaston, Graham, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the county and to provide that the provisions of G.S. 153A–15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property and the House Committee Substitute bill which proposes to change the title upon concurrence, to read **S.B. 87** (House Committee Substitute), a bill to require consent of the Board of Commissioners of listed counties before land may be condemned or acquired by a unit of local government outside the county and to provide that the provisions of G.S. 153A–15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property, submits the following report:

*To: The President of the Senate*
*The Speaker of the House of Representatives*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on **Senate Bill 87**, A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSENT OF THE BOARD OF COMMISSIONERS OF LISTED COUNTIES BEFORE LAND MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY AND TO PROVIDE THAT THE PROVISIONS OF G.S. 153A–15 IN ANY COUNTY SUBJECT TO THAT SECTION DO NOT APPLY TO PROPERTY WITHIN THE CITY LIMITS OF THE CITY THAT IS ACQUIRING THE PROPERTY., Fourth Edition Engrossed 6/22/94, submit the following report:

On page 1, line 15, by inserting "Mecklenberg," between "McDowell," and "Montgomery".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June 29, 1994.

S/Fred Folger, Jr.
S/James S. Forrester
S/Leslie Winner

*Conferees for the Senate*

S/W. Pete Cunningham
S/Walter W. Dickson
S/John R. Gamble

*Conferees for the House of Representatives*

The Chair holds the Conference Report to be material and submission constitutes the first reading of the measure.

The Chair orders the Conference Report placed on the Calendar for tomorrow, Thursday, June 30, for adoption upon second reading.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 1609**, a bill to change the season for taking foxes in Caswell County.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

**S.B. 1668**, a bill to prohibit hunting and discharging firearms from public roads and highways in Union County.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

**H.B. 1964**, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue Tyrrell County weapon permits.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 536** (Senate Committee Substitute), a bill to allow area mental health, developmental disabilities, and substance abuse authorities to purchase property by installment contracts, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll–call vote, ayes 44, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Carpenter, Cochrane, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Seymour, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: Senators Ballantine and Blackmon—2.

The measure is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

**S.B. 1467** (Committee Substitute No. 2), a bill to strengthen the requirements to have a child in a restraint system while operating a motor vehicle.

The Committee Substitute bill No. 2 passes its second (43–0) and third readings and is ordered sent to the House of Representatives by special messenger.

**H.B. 1551**, a bill to eliminate the requirement of proof of financial responsibility upon renewal of a drivers license.

On motion of Senator Ballance, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (46–0) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

**H.B. 1755** (Senate Committee Substitute), a bill to amend the counties in which it is a criminal offense to practice phrenology, palmistry, fortune telling, clairvoyance, and other similar crafts, with Amendment No. 1 which proposes to change the title pending.

The Chair reverses his ruling of Tuesday, June 28, and declares the Senate Committee Substitute bill a local bill.

With unanimous consent, Senator Ballance withdraws Amendment No. 1 and subsequently offers Amendment No. 2 which is adopted (48–0).

The Senate Committee Substitute bill, as amended, passes its second reading (39–8).

Senator Ballance objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, June 30, for further consideration, upon third reading.

Senator Kerr offers a motion that the rules be suspended and the Senate Committee Substitute bill, as amended, be taken from the Calendar for tomorrow, Thursday, June 30, and placed before the Senate for further consideration today upon third reading which motions prevail.

The Chair orders the Senate Committee Substitute bill, as amended, taken from the Calendar for tomorrow, Thursday, June 30, and places it before the Senate for further consideration upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill which changes the title, upon concurrence, by special messenger.

**H.B. 1770** (Committee Substitute), a bill to make it a felony for any person to transfer a handgun to a minor as recommended by the Child Fatality Task Force.

On motion of Senator Ballance, Committee Amendment No. 1 is adopted.

Senator Winner of Buncombe offers Amendment No. 2 which is adopted (48–0).

The Committee Substitute bill, as amended, passes its second (47–1) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2, by special messenger.

**S.B. 1336** (Committee Substitute No. 2), a bill to allow service of process by a private process server when process is returned unexecuted, as amended, upon third reading.

With unanimous consent, on motion of Senator Ballance, the Committee Substitute bill No. 2 is taken up out of its regular order of business.

On motion of Senator Ballance, the Committee Substitute bill No. 2, as amended, is recommitted to the **Judiciary I Committee**.

**H.B. 1961** (Senate Committee Substitute), a bill to encourage the voluntary remediation of contaminated sites, as recommended by the Environmental Review Commission, and to provide that a person who knowingly makes a false statement in documents required under the solid waste laws is guilty of a misdemeanor.

The Senate Committee Substitute bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill which changes the title upon concurrence by special messenger.

**H.B. 977** (Senate Committee Substitute), a bill to amend the Entry of Judgment Rule, Rule 58 of the Rules of Civil Procedure, as requested by the North Carolina Bar Association, as amended, upon third reading.

Senator Winner of Buncombe offers Amendment No. 5 which is adopted (43–3).

The Senate Committee Substitute bill, as amended, passes its third reading (46–1) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

**S.B. 898** (House Committee Substitute), a bill to provide that an owner of an on–site land clearing and inert debris landfill does not have to obtain a State permit and to regulate such landfills, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (47–0) and the measure is ordered enrolled.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**H.B. 1981** (Committee Substitute), a bill to authorize the Town of Oriental to levy a room occupancy and tourism development tax, referred to the **Local Government and Regional Affairs Committee** earlier today.

Pursuant to Rule 47(b), Senator Folger offers a motion that the Committee Substitute bill be taken from the **Local Government and Regional Affairs Committee** and referred to the **Finance Committee**, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Local Government and Regional Affairs Committee** and re–refers it to the **Finance Committee**.

The Chair declares the Senate in recess at 3:45 P.M. for the purpose of committee meetings to reconvene at 5:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## REPORT OF COMMITTEE

A bill is reported from a select committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Sands for the **Rules and Operation of the Senate Committee**:

**H.B. 1319** (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, and to direct various State agencies to study specified issues, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the proposed Senate Committee Substitute bill 1377, which changes the title, upon concurrence, to read, **H.B. 1319** (Senate Committee Substitute), a bill to reauthorize the Mental Health Study Commission, and create the Public Health Study Commission and the Election Laws Review Commission, is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, on motion of Senator Sands, the Senate Committee Substitute bill is placed at the end of today's Calendar for further consideration upon its passage.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**S.B. 453** (House Committee Substitute), a bill to repeal the requirement for health certificates for marriage license applicants and to exempt home quilters from certain

requirements of Chapter 130A of the General Statutes, referred to the **Rules and Operation of the Senate Committee** on June 21.

Pursuant to Rule 47(b), Senator Sands offers a motion that the House Committee Substitute bill be taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Thursday, June 30, which motions prevail.

The Chair orders the House Committee Substitute bill taken from the **Rules and Operation of the Senate Committee** and places it on the Calendar for tomorrow, Thursday, June 30, for concurrence.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Seymour and to Senator Cooper.

## SUPPLEMENTAL CALENDAR

Bills and resolutions ordered placed at the end of today's Calendar are taken up and disposed of, as follows:

**S.B. 1660,** a bill to make a change in the funding formula for Guilford County schools provided by the merger act, earlier today placed at the end of the Calendar for consideration upon its passage.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

**S.B. 1712**, a bill to conform North Carolina laws regarding the establishment of child paternity to certain federal law requirements by amending the North Carolina laws of evidence relating to the manner of contesting blood or genetic marker tests in the trial of civil actions in which the question of parentage arises; by providing for the entry of judgment by default in paternity actions when the defendant fails to file answer; and, by giving full faith and credit to out–of–State paternity determinations regardless of method of establishment, placed earlier at the end of today's Calendar for consideration upon its passage.

The bill passes its second (37–0) and third readings and is ordered sent to the House of Representatives by special messenger.

**S.B. 1045** (House Committee Substitute), a bill to broaden existing income tax credits for the production and installation of solar and photovoltaic equipment by increasing the amounts of the credits and extending the solar equipment credits to include equipment that generates electricity, placed earlier at the end of todays Calendar upon concurrence.

The Senate concurs in the House Committee Substitute bill (38–0) and the measure is ordered enrolled.

**S.B. 1713**, a bill to restore the soft drink tax exemption for natural juice with no additives other than vitamins, minerals, or sugar, placed earlier at the end of today's Calendar for consideration upon its passage.

The bill passes its second (40–0) and third readings and is ordered sent to the House of Representatives by special messenger.

## REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee**:

**H.B. 1633** (Committee Substitute), a bill to prohibit the running of deer by dogs in the Towns of Kitty Hawk and Nags Head, with a favorable report.

**H.B. 1632**, a bill to allow the Towns of Kitty Hawk and Nags Head to regulate certain activities in waterways adjacent to those Towns, with a favorable report, as amended.

## SUPPLEMENTAL CALENDAR (Continued)

**S.B. 1662**, a bill to annex to the Town of Davidson a described area lying within its corporate boundaries, placed earlier at the end of today's Calendar for consideration upon its passage, upon second reading.

The bill passes its second reading by roll–call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Edwards, Folger, Forrester, Gulley, Harris, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—37.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Thursday, June 30, for further consideration upon third reading.

**S.B. 1566** (Committee Substitute), a bill to provide for uniform drivers license and vehicle registration information and to amend the window tinting law, placed earlier at the end of today's Calendar for consideration upon its passage.

On motion of Senator Winner of Buncombe, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill, as amended, passes its second reading (42–0), and without objection, on motion of Senator Soles, is temporarily displaced upon third reading.

**S.B. 1579**, a bill to make technical, conforming, and administrative changes to the motor vehicle laws and other laws concerning the Department of Transportation, as amended upon the recommendation of the **Transportation Committee**, placed earlier at the end of today's Calendar for consideration upon its passage.

On motion of Senator Speed, Committee Amendment No. 2 is adopted. The bill, as amended, passes its second (43–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

## CONFERENCE REPORT

**H.B. 689** (Senate Committee Substitute)

Senator Ballance, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 689**, a bill to create the offense of third degree trespass in Wilkes and Yadkin Counties and the Senate Committee Substitute bill which proposes to change the title, upon concurrence, to read **H.B. 689** (Senate Committee Substitute), a bill to create a new offense of third degree

trespass, submits the following report which further proposes to change the title, upon adoption, to read **H.B. 689**, a bill to create the offense of third degree trespass in Wilkes and Yadkin Counties.

To: *The President of the Senate*
*The Speaker of the House of Representatives*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 689, A BILL TO BE ENTITLED AN ACT TO CREATE A NEW OFFENSE OF THIRD DEGREE TRESPASS, Senate Judiciary I Committee Substitute adopted 7/23/93, as amended by Senate Amendment #1, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Judiciary I Committee Substitute adopted 7/23/93, as amended by Senate Amendment #1, and the House concurs in the Senate Committee Substitute as amended:

on page 1, lines 1–19 by deleting those lines and substituting the following:

"A BILL TO BE ENTITLED
AN ACT TO CREATE THE OFFENSE OF THIRD DEGREE TRESPASS IN WILKES AND YADKIN COUNTIES.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 862 of the 1991 Session Laws reads as rewritten:

"Sec. 2. This act applies only to ~~Rowan County.~~ Rowan, Wilkes, and Yadkin Counties."

Sec. 2. This act becomes effective December 1, 1994, and applies to offenses committed on or after that date."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June 21, 1994.

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|---|---|
| S/Frank W. Ballance, Jr. | S/Anne C. Barnes |
| S/Fred Folger, Jr. | S/George M. Holmes |
| S/Daniel R. Simpson | S/Mary Jarrell |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

On motion of Senator Ballance, the Conference Report is adopted (37–4), changing the title, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action to the end that when a like action is taken by the House of Representatives, the Speaker may order the Senate Committee Substitute bill enrolled.

## SUPPLEMENTAL CALENDAR (Continued)

**H.B. 2017** (Committee Substitute), a bill to authorize the Town of Mint Hill to exercise extraterritorial jurisdiction within its sphere of influence, placed earlier at the end of today's Calendar for consideration upon its passage, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, June 30, for further consideration upon third reading.

**S.B. 1642** (Committee Substitute), a bill to authorize the City of Durham to collect delinquent water and sewer fees resulting from leaking pipes or fixtures in the same manner as property taxes, placed earlier at the end of today's Calendar for consideration upon its passage.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

**S.B. 1566** (Committee Substitute), a bill to provide for uniform drivers license and vehicle registration information and to amend the window tinting law, as amended, temporarily displaced earlier, upon third reading.

Senator Soles offers Amendment No. 3 which is adopted (41–0).

The Committee Substitute bill, as amended, passes its third reading (42–0) and is ordered engrossed and sent to the House of Representatives by special messenger.

**H.B. 1319** (Senate Committee Substitute), a bill to reauthorize the Mental Health Study Commission, and create the Public Health Study Commission and the Election Laws Review Commission, placed earlier at the end of today's Calendar for consideration upon its passage.

The Senate Committee Substitute bill passes its second (43–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill which changes the title upon concurrence by special messenger.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**H.B. 1628** (Committee Substitute), a bill to provide an expedited procedure for creation of county water and sewer districts after failure of low–pressure pipe sewer systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee.

Referred to **Finance Committee**.

**H.B. 1725** (Committee Substitute), a bill to make technical and clarifying changes to the revenue laws and related statutes, to improve the administration of the soft drink excise tax, and to extend the sunset of a tax credit.

Referred to **Finance Committee**.

**H.B. 1904** (Committee Substitute No. 2), a bill to allow Macon and Haywood Counties to acquire property for use by their County Boards of Education and to

authorize the Macon and Haywood County Boards of Education to convey property to their counties in connection with improvements and repair of the property.

Referred to **Local Government and Regional Affairs Committee.**

**H.B. 2021**, a bill to amend the law prohibiting the discharge of firearms on registered land in Vance County by providing for registration at any time and by eliminating the requirement that registration be renewed annually.

Referred to **Judiciary I Committee.**

**H.B. 2038** (Committee Substitute), a bill to authorize the Burlington City School unit to dispose of certain property at private sale.

Referred to **Local Government and Regional Affairs Committee.**

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 80**
(Senate Committee Substitute)

House of Representatives
June 29, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for **HB 80**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE TIME ALLOWED THE DEPARTMENT OF REVENUE TO MAKE ASSESSMENTS OF TAXES FOLLOWING A FEDERAL DETERMINATION, TO REINSTATE AN INADVERTENTLY DELETED PROVISION RELATING TO ASSESSMENTS FOR EMPLOYER WITHHOLDING BASED ON FEDERAL DETERMINATIONS, AND TO CLARIFY THE ASSESSMENT STATUTES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

On motion of Senator Basnight, seconded by Senator Ward, the Senate adjourns at 6:01 P.M. to meet tomorrow, Thursday, June 30, at 1:30 P.M.

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# ONE HUNDRED THIRTY-THIRD DAY

SENATE CHAMBER,
Thursday, June 30, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Wisdom and Grace, the Book of Proverbs teaches us that a 'harsh word stirs up anger, but a soft answer turns away wrath.'

"Each of us has learned by personal experience the wisdom of this teaching. We cannot learn from one another while shouting at the top of our voices.

"We'll fare much better when we 'speak quietly enough so that our words can be heard as well as our voices.'

"Help us all to that end, O Lord, we pray, Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Wednesday, June 29, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Hyde, "to attend the graduation of his daughter from basic training in the U. S. Army."

Pursuant to the motion prevailing on Tuesday, June 28, all bills and resolutions sent to the House of Representatives are ordered sent by special messenger.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**H.J.R. 1975**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to authorize the Department of Transportation to lease a certain designated part of the right–of–way of N.C. 147 to the City of Durham for parking purposes, referred to the **Rules and Operation of the Senate Committee** on June 24.

Pursuant to Rule 47(b), Senator Sands offers a motion that the joint resolution be taken from the **Rules and Operation of the Senate Committee** and placed at the end of today's Calendar for consideration upon its passage, which motions prevail.

The Chair orders the joint resolution taken from the **Rules and Operation of the Senate Committee** and places the measure at the end of the Calendar for today for consideration upon its passage.

**S.J.R. 1718**, a joint resolution honoring the life and memory of Joe Max Thomas, former State Senator, referred to the **Rules and Operation of the Senate Committee** on June 20.

Pursuant to Rule 47(b), Senator Sands offers a motion that the joint resolution be taken from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration, which motions prevail.

The Chair orders the joint resolution taken from the **Rules and Operation of the Senate Committee** and places the measure before the Senate for immediate consideration upon its passage.

The joint resolution passes its second (43–0) and third readings with members standing and is ordered sent to the House of Representatives by special messenger.

**H.B. 1718**, a bill to extend the life of the North Carolina Sentencing and Policy Advisory Commission and to continue the terms of the existing members, referred to the **Appropriations Committee** on June 8.

Pursuant to Rule 47(b), Senator Plyler offers a motion that the bill be taken from the **Appropriations Committee** and re–referred to the **Judiciary I Committee**, which motions prevail.

The Chair orders the bill taken from the **Appropriations Committee** and re–refers the measure to the **Judiciary I Committee**.

With unanimous consent, the Chair grants Senator Marshall a leave of absence.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**S.B. 898** (House Committee Substitute), an act to provide that an owner of an on–site land clearing and inert debris landfill does not have to obtain a State permit and to regulate such landfills. (Ch. 580)

**H.B. 1964**, an act to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue Tyrrell County weapon permits. (Ch. 581)

**H.B. 80** (Senate Committee Substitute), an act to reduce the time allowed the Department of Revenue to make assessments of taxes following a federal determination, to reinstate an inadvertently deleted provision relating to assessments for employer withholding based on federal determinations, and to clarify the assessment statutes. (Ch. 582)

**H.B. 1838** (Committee Substitute), an act to provide for the nonpartisan election of the Onslow County Board of Education, subject to a referendum, and providing that when vacancies are to be filled on the Cabarrus County Board of Education by election for the remainder of the unexpired term, the election shall be held together with those for the full term. (Ch. 583)

**S.B. 1045** (House Committee Substitute), an act to broaden existing income tax credits for the production and installation of solar and photovoltaic equipment by increasing the amounts of the credits and extending the solar equipment credits to include equipment that generates electricity. (Ch. 584)

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

**H.B. 1563** (Committee Substitute), a bill to amend State insurance and Medicaid laws to comply with the Federal Omnibus Budget Reconciliation Act of 1993 and guarantee the continued availability of federal Medicaid funds for the State; and to make a corresponding insurance law amendment, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

**H.B. 2024**, a bill to allow the City of Washington to declare its no–wake law inapplicable during certain special events, with a favorable report.

By Senator Harris for the **Pensions and Retirement Committee**:

**H.B. 1991**, a bill to amend the North Wilkesboro Firemen's Supplementary Fund to include certain retired fire department employees and volunteer firemen previously excluded, with a favorable report.

By Senator Winner of Buncombe for the **Finance Committee**:

With unanimous consent, on motion of Senator Winner of Buncombe the rules are suspended and the following bills are placed at the end of today's Calendar for consideration upon their passage.

**H.B. 382** (Senate Committee Substitute), a bill to amend the statutes regulating professional engineers and land surveyor, as rewritten by the **Judiciary II Committee**, with a favorable report.

**H.B. 644** (Senate Committee Substitute), a bill to amend the Sedimentation Pollution Control Act of 1973 to make it more effective, as rewritten by the **Environment and Natural Resources Committee**, with a favorable report.

**H.B. 825**, a bill concerning impact fees by the Town of Garner, with a favorable report.

**H.B. 1142** (Senate Committee Substitute), a bill to establish the North Carolina Substance Abuse Professionals Certification Act and to make amendments to the laws governing licensed professional counselors, with a favorable report.

**H.B. 1508**, a bill to authorize the City of Lexington to levy a room occupancy and tourism development tax, with a favorable report.

**H.B. 1556**, a bill to revise and consolidate the Charter of the Town of Winterville, with a favorable report.

**H.B. 1557**, a bill to remove from the corporate limits of the Town of Grifton certain described territory in Lenoir County, with a favorable report.

**H.B. 1644**, a bill to allow Avery County to acquire property for use by the County Board of Education, with a favorable report.

**H.B. 1663** (Committee Substitute), a bill to exempt all annuities and funding agreements from premium taxation; to clarify the authorization for the issuance of and establish standards for funding agreements; and to make conforming changes in laws on priority of distribution of assets of insolvent insurers and on securities, with a favorable report.

**H.B. 1775**, a bill to resolve a conflict in the dealer license plate law concerning the use of dealer license plates on vehicles used by a dealer in a business that is separate from the business of selling motor vehicles, and to provide that a registration card issued for a dealer plate is not required to be specific for that dealer plate, with a favorable report.

**H.B. 1853**, a bill to authorize Caldwell Community College and Technical Institute to use part of its bond funds for water and sewer lines to the facility, with a favorable report.

**H.B. 1926**, a bill to allow Brunswick County to acquire property for use by the County Board of Education, and to provide for the use of county owned property by schools in certain counties, with a favorable report.

**H.B. 1979**, a bill to advance the effective date of an act authorizing the merger of the Towns of Hazelwood and Waynesville, with a favorable report.

**H.B. 1944**, a bill to expand the State ports tax credit, with a favorable report.

**H.B. 2012** (Committee Substitute), a bill to authorize the Village of Bald Head Island to increase its room occupancy tax from three percent to six percent, to modify the existing Bald Head Island room occupancy tax, and to allow Columbus County to create fire protection districts in which fire protection is funded by fees rather than taxes, with a favorable report.

**S.B. 1321**, a bill to incorporate the Town of Sandyfield in Columbus County, with a favorable report.

**S.B. 1707**, a bill to amend the setoff debt collection act to require the Department of Human Resources to submit certain debts for collection by setoff against the debtors' State income tax refunds, with a favorable report, as amended.

**S.B. 1693**, a bill amending the Charter of the Town of Green Level in Alamance County to authorize enactment of a property maintenance ordinance and the assessment of certain costs of enforcement as a lien against the property, with a favorable report, as amended.

**H.B. 1082**, a bill to give the Board of Pharmacy authority to regulate medical equipment intended for use in an individual's home, with a favorable report, as amended.

**H.B. 988** (Senate Committee Substitute), a bill to amend the Licensure Act for speech and language pathologists and audiologists to exempt certain assistant personnel from the licensure requirement if they are registered with the Board by their employer, with an unfavorable report as to the Senate **Judiciary II Committee** Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Senate Committee Substitute bill 2378 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Winner of Buncombe, the Senate Committee Substitute bill No. 2 is placed at the end of today's Calendar for further consideration upon its passage.

**H.B. 1981** (Committee Substitute), a bill to authorize the Town of Oriental to levy a room occupancy and tourism development tax, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Senate Committee Substitute bill 9438, which changes the title, upon concurrence, to read **H.B. 1981** (Senate Committee Substitute), a bill to authorize the Town of Oriental to levy a room occupancy and tourism development tax and to provide that Pamlico County may join the Global TransPark Development Zone, is placed before the Senate for immediate consideration and on his further motion is adopted.

On motion of Senator Winner of Buncombe, the Senate Committee Substitute bill is placed at the end of the Calendar for today, June 30, for further consideration upon its passage.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 1662**, a bill to annex to the Town of Davidson a described area lying within its corporate boundaries, upon third reading.

The bill passes its third reading by roll–call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Ballantine, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Martin of Guilford, Odom, Parnell, Plexico, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives by special messenger.

**H.B. 2017** (Committee Substitute), a bill to authorize the Town of Mint Hill to exercise extraterritorial jurisdiction within its sphere of influence, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Ballantine, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Martin of Guilford, Odom, Parnell, Plexico, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**S.B. 1362**, a bill to make it unlawful to remove or destroy electronic collars on dogs in Haywood, Jackson, Swain, Macon, Henderson, and Transylvania Counties.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

**S.B. 1648,** a bill to modify the provisions of the Charter of the City of Fayetteville concerning fair housing.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

**H.B. 1632**, a bill to allow the Towns of Kitty Hawk and Nags Head to regulate certain activities in waterways adjacent to those Towns.

On motion of Senator Albertson, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H.B. 1632**, a bill to allow the Towns of Kill Devil Hills, Kitty Hawk, Nags Head, and Southern Shores to regulate certain activities in waterways adjacent to those Towns.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Amendment No. 1 by special messenger, which changes the title upon concurrence.

**H.B. 1633** (Committee Substitute), a bill to prohibit the running of deer by dogs in the Towns of Kitty Hawk and Nags Head.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 1880** (Committee Substitute), a bill to allow the Town of Beech Mountain to install sewer lines with its own crew and equipment.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 1955**, a bill concerning zoning classifications in the City of Winston–Salem and Forsyth County.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1956**, a bill concerning zoning by the City of Winston–Salem and Forsyth County.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1957**, a bill relating to disqualification of contractors from bidding on construction contracts of the City of Winston–Salem.

The bill passes its second and third readings and is ordered enrolled.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill resolution which is read the first time and disposed of, as follows:

**H.B. 1776** (Committee Substitute), a bill to rewrite the voter registration laws of North Carolina and to make other election–law changes.

Referred to **Constitution and Election Laws Committee.**

With unanimous consent, Senator Sands offers a motion to the end all bills reported from committee today be placed at the end of today's Calendar for consideration upon their passage, which motion prevails.

## REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

**H.B. 1722** (Committee Substitute), a bill to permit the City of Greenville to use wheel locks, with a favorable report.

**H.B. 1994** (Committee Substitute), a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue weapon permits in Polk, Madison, and Yancey Counties, with a favorable report.

**H.B. 27** (Committee Substitute), a bill to restrict the transportation of children under the age of twelve in the open bed or open cargo area of a vehicle, with a favorable report, as amended.

**H.B. 486**, a bill to place restrictions on the use of personal watercraft such as jet skis and water bikes, as amended, upon the recommendation of the **Agriculture, Marine Resources, and Wildlife Committee**, with a favorable report, as amended.

**H.B. 822** (Committee Substitute), a bill to amend the laws regarding computer–related crime, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended and the proposed Senate Committee Substitute bill 1381 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to the motion prevailing earlier today, the Senate Committee Substitute bill is placed on the Calendar for today, June 30, for further consideration upon its passage.

**H.B. 1936** (Committee Substitute No. 2), a bill to make technical corrections and to make clarifying and conforming changes to various criminal statutes, to repeal various criminal laws that are obsolete or redundant, and to extend the sunset for the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association, with an unfavorable report as to Committee Substitute No. 2 bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 9441 is placed before the Senate for immediate consideration.

Pursuant to the motion prevailing earlier today, the Senate Committee Substitute bill is placed on the Calendar for today, June 30, for further consideration upon its passage.

By Senator Folger for the **Local Government and Regional Affairs Committee**:

**H.B. 1502**, a bill to require that public condemnors give notice to and receive the consent of the Onslow County Board of Commissioners before condemning property in Onslow County, with a favorable report.

**H.B. 1591**, a bill to provide that the City of New Bern may not make involuntary annexations across the Trent River, and to exempt that City from limitations on the total area of satellite annexations, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 1592**, a bill to clarify the duty of the City Attorney of the City of New Bern when an insurance carrier can provide defense to the City, with a favorable report.

**H.B. 1680** (Committee Substitute), a bill enabling the County of Davidson to establish an airport authority for the operation and maintenance of airport facilities in the County of Davidson for the citizens of Davidson County, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee**.

**H.B. 1687**, a bill to annex a described piece of property to the Town of Lake Lure and remove any portion of that property from Chimney Rock Village, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 1704**, a bill to permit the acquisition of property for the Duplin County Airport by eminent domain with immediate vesting of title and right of possession in the County, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 1742**, a bill to increase the size of the Civil Service Board for the City of New Bern, and to provide for staggered terms on that Board, with a favorable report.

**H.B. 1846** (Committee Substitute), a bill to allow Harnett and Lee Counties to acquire property for use by the County Boards of Education, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee**.

**H.B. 1882**, a bill to allow the Town of White Lake to operate a contract post office, with a favorable report.

**H.B. 1887** (Committee Substitute), a bill changing the date on which members of the Perquimans County Board of Education take office, and providing a four–year term for the Mayor of the Town of Creswell, with a favorable report.

**H.B. 1900**, a bill to provide for an election within the Duck Area Beautification District of Dare County to authorize the levy and collection of ad valorem property taxes for the purpose of constructing and maintaining sidewalks within that District, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 1904** (Committee Substitute No. 2), a bill to allow Macon and Haywood Counties to acquire property for use by their County Boards of Education and to authorize the Macon and Haywood County Boards of Education to convey property to their counties in connection with improvements and repair of the property, with a favorable report.

**H.B. 1913**, a bill to authorize the appointment of a special board of equalization and review for Iredell County, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 1927** (Committee Substitute), a bill to allow Sampson County to acquire property for use by Sampson Community College and to authorize the Sampson Community College Board of Trustees to convey property to the County in connection with improvement and repair of the property, with a favorable report.

**H.B. 1928** (Committee Substitute), a bill to remove the sunset on the law allowing Richmond and Sampson Counties to acquire property for use by the County Boards of Education, and to authorize local boards of education in or for Sampson County to convey property to the County in connection with improvement and repair of the property, with a favorable report.

**H.B. 1938**, a bill to change the audits of ABC profits of the Hamlet Board of Alcoholic Control from quarterly to annually, with a favorable report.

**H.B. 1951**, a bill to allow the Town of Boonville to install sewer lines with its own crew and equipment, with a favorable report.

**H.B. 1960**, a bill requiring the payment of delinquent taxes in Ashe County before recording deeds conveying property subject to delinquent taxes, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Judiciary II Committee**.

**H.B. 1984** (Committee Substitute), a bill to exempt Franklin County from certain statutory requirements in certain construction contracts, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Capital Expenditures and Improvements Committee.**

**H.B. 1997**, a bill relating to investments of the City of Durham, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 2008**, a bill to increase the benefits of the Henderson Firemen's Supplemental Retirement System, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Pensions and Retirement Committee**.

**H.B. 2022**, a bill to enable the City of Gastonia to dissolve the Gastonia Airport Authority, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 2030** (Committee Substitute), a bill to annex a certain described area to the corporate limits of the Town of Carthage, and to prescribe that the boundaries of another area are primary corporate limits of only the Town of Southern Pines, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee**.

**H.B. 2038** (Committee Substitute), a bill to authorize the Burlington City School unit to dispose of certain property at private sale, with a favorable report.

**H.B. 2065** (Committee Substitute), a bill to amend the Charlotte Firefighters' Retirement System Act, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Pensions and Retirement Committee**.

**H.B. 1535**, a bill to exempt Currituck County and the Whalehead Preservation Trust and Currituck Wildlife Museum, Inc., from certain statutory requirements in the renovation of the historic Whalehead Club, with a favorable report, as amended.

**H.B. 1973** (Committee Substitute), a bill to provide standards for use by local governments in the review of applications for permits or for substantial amendments to permits for sanitary landfills in order to ensure that local government review of permit applications meets constitutional requirements, as recommended by the Environmental Review Commission, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Senate Committee Substitute bill 6347 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to the motion prevailing earlier today, the Senate Committee Substitute bill is placed at the end of the Calendar for today, June 30, for further consideration upon its passage.

Senator Ballance offers a motion that the Senate Committee Substitute bill be taken from the Calendar for today, and re–referred to the **Judiciary I Committee**, which motion fails to prevail (7–31).

The Senate Committee Substitute bill remains at the end of today's Calendar for further consideration upon its passage.

**H.B. 1950**, a bill to authorize the City of Durham, the County of Durham, and the Durham Public Schools to dispose of personal property, with a favorable report.

**H.B. 1565**, a bill to exempt Bladen County from the requirements of Article 12 of Chapter 160A of the General Statutes as to the sale or lease of certain property, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Senate Committee Substitute bill 8101, which changes the title, upon concurrence, to read **H.B. 1565** (Senate Committee Substitute), a bill to exempt Bladen County from the requirements of Article 12 of Chapter 160A of the General Statutes as to the sale or lease of certain property and to exempt physicians serving on the board of directors of a public hospital in Bladen County from G.S. 14–234, which provides that the director of a public trust shall not enter into a contract with the public trust except under certain circumstances, is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to the motion prevailing earlier today, the Senate Committee Substitute bill is placed on the Calendar for today, June 30, for further consideration upon its passage.

**H.B. 1998**, a bill relating to the investments of the County of Durham, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the proposed Senate Committee Substitute bill A398 which changes the title upon concurrence, to read **H.B. 1998** (Senate Committee Substitute), a bill relating to investments of the County of Durham, is placed before the Senate for immediate consideration and on his further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Finance Committee**.

By Senator Tally for the **Environment and Natural Resources Committee**:

**S.B. 1089**, a bill to require the Commission for Health Services to adopt rules governing the sanitation of shelters for homeless persons, with an unfavorable report as to bill, as amended upon the recommendation of the **Children and Human Resources Committee**, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the proposed Committee Substitute bill 9881, which changes the title to read **S.B. 1089** (Committee Substitute), a bill to require the Department of Labor to conduct informational inspections of shelters for homeless persons, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Committee Substitute bill is adopted.

Pursuant to the motion prevailing earlier today, the Committee Substitute bill is placed on the Calendar for today, June 30, for further consideration upon its passage.

The Chair declares the Senate in recess at 3:00 P.M. for the purpose of committee meetings, to reconvene at 4:30 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

The Chair announces Senator Marshall's presence in the Chamber, who withdraws the leave of absence granted earlier.

## CALENDAR (Continued)

**S.B. 87** (House Committee Substitute), a bill to require consent of the Board of Commissioners of listed counties before land may be condemned or acquired by a unit

of local government outside the county and to provide that the provisions of G.S. 153A–15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property, Conference Report submitted June 29, for adoption, upon second reading.

On motion of Senator Forrester, the Senate adopts the Conference Report on its second reading by roll–call vote, ayes 29, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Carpenter, Cochrane, Folger, Forrester, Harris, Hartsell, Hoyle, Johnson, Kaplan, Kincaid, Lucas, Marshall, Odom, Parnell, Perdue, Seymour, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—29.

Voting in the negative: None.

The Conference Report remains on the Calendar for tomorrow, Friday, July 1, for adoption upon third reading.

The Chair rules any bills reported from committee shall be ordered placed on tomorrow's Calendar for consideration.

## REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Pensions and Retirement Committee**:

**H.B. 2008**, a bill to increase the benefits of the Henderson Firemen's Supplemental Retirement System, with a favorable report.

By Senator Folger for the **Local Government and Regional Affairs Committee**:

**H.B. 2015**, a bill to exempt Stanly County from provisions of the North Carolina State Building Code that require building inspection departments to review residential plans, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Senate Committee Substitute bill 5337, which changes the title, upon concurrence, to read **H.B. 2015** (Senate Committee Substitute), a bill to clarify that counties and cities are not required to review and approve residential plans submitted pursuant to the North Carolina State Building Code, is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon its passage.

By Senator Winner of Buncombe for the **Finance Committee**:

With unanimous consent, on motion of Senator Winner of Buncombe, the rules are suspended, and all bills reported from the **Finance Committee** are placed at the end of today's Calendar for consideration upon their passage.

**H.B. 1591**, a bill to provide that the City of New Bern may not make involuntary annexations across the Trent River, and to exempt that City from limitations on the total area of satellite annexations, with a favorable report.

**H.B. 1680** (Committee Substitute), a bill enabling the County of Davidson to establish an airport authority for the operation and maintenance of airport facilities in the County of Davidson for the citizens of Davidson County, with a favorable report.

**H.B. 1687**, a bill to annex a described piece of property to the Town of Lake Lure and remove any portion of that property from Chimney Rock Village, with a favorable report.

**H.B. 1704**, a bill to permit the acquisition of property for the Duplin County Airport by eminent domain with immediate vesting of title and right of possession in the County, with a favorable report.

**H.B. 1846** (Committee Substitute), a bill to allow Harnett and Lee Counties to acquire property for use by the County Boards of Education, with a favorable report.

**H.B. 1900**, a bill to provide for an election within the Duck Area Beautification District of Dare County to authorize the levy and collection of ad valorem property taxes for the purpose of constructing and maintaining sidewalks within that District, with a favorable report.

**H.B. 1913**, a bill to authorize the appointment of a special board of equalization and review for Iredell County, with a favorable report.

**H.B. 1997**, a bill relating to investments of the City of Durham, with a favorable report.

**H.B. 1998** (Senate Committee Substitute), a bill relating to investments of the County of Durham, as rewritten upon the recommendation of the **Local Government and Regional Affairs Committee**, with a favorable report.

**H.B. 2022**, a bill to enable the City of Gastonia to dissolve the Gastonia Airport Authority, with a favorable report.

**H.B. 2030** (Committee Substitute), a bill to annex a certain described area to the corporate limits of the Town of Carthage, and to prescribe that the boundaries of another area are primary corporate limits of only the Town of Southern Pines, with a favorable report.

**H.B. 650** (Senate Committee Substitute), a bill to amend Article 19 of Chapter 130A of the General Statutes regarding asbestos hazard management and to make certain technical changes to conform with recent federal requirements, as written by the **Judiciary II Committee**, with a favorable report.

**H.B. 1619**, a bill to comply with federal law by revising the bingo stamp method of ensuring that for–hire vehicles operated in this State in interstate commerce are insured and to make technical changes to the motor carrier laws, with a favorable report.

**H.B. 1628** (Committee Substitute), a bill to provide an expedited procedure for creation of county water and sewer districts after failure of low–pressure pipe sewer systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee, with a favorable report.

**H.B. 1843** (Committee Substitute), a bill to conform the Vehicle Emissions Inspection Program to the requirements of federal law and to make technical changes in the vehicle inspection laws, with a favorable report.

**H.B. 1552**, a bill to make permanent the exemption for real estate acquired by the Department of Transportation from the requirement that it be appraised by a licensed or certified appraiser when the estimated value of the real estate is less than ten thousand dollars, with a favorable report, as amended, with a favorable report, as amended.

**H.B. 203** (Committee Substitute), a bill to require that individuals and businesses engaged in the practice of tattooing obtain a permit from the Department of Environment, Health, and Natural Resources, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended and the proposed Senate Committee Substitute bill 6348 is placed before the Senate for immediate consideration and on his further motion is adopted.

Pursuant to the motion prevailing earlier, the Senate Committee Substitute bill is placed at the end of today's Calendar for further consideration upon its passage.

**H.B. 1725** (Committee Substitute), a bill to make technical and clarifying changes to the revenue laws and related statutes, to improve the administration of the soft drink excise tax, and to extend the sunset of a tax credit, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Senate Committee Substitute bill 2380 which changes the title, upon concurrence, to read **H.B. 1725** (Senate Committee Substitute), a bill to make technical and clarifying changes to the revenue laws and related statutes, to improve the administration of the soft drink excise tax, and to extend the sunset of a tax credit, to amend the law regarding application for certification as a clinical social worker, to restore the soft drink tax exemption for natural juice with no additives other than vitamins, minerals, or sugar, and to make the effective date of changes made during the 1993 session to the consumer credit sale laws retroactive, is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to the motion prevailing earlier today, the Senate Committee Substitute bill is placed at the end of today's Calendar for further consideration upon its passage.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**H.B. 1984** (Committee Substitute), a bill to exempt Franklin County from certain statutory requirements in certain construction contracts, referred to the **Capital Expenditures and Improvements Committee** earlier today.

Pursuant to Rule 47(b), Senator Kaplan offers a motion that the Committee Substitute bill be taken from the **Capital Expenditures and Improvements Committee** and placed on the Calendar for Friday, July 1, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Capital Expenditures and Improvements Committee** and places the measure on the Calendar for tomorrow, Friday, July 1.

## CALENDAR (Continued)

**S.B. 1628**, a bill clarifying that a motor vehicle operating lease that contains a terminal rental adjustment clause is not a sale and does not create a security interest in the leased property.

The Chair orders, without objection, the bill temporarily displaced.

**H.B. 795** (Senate Committee Substitute), a bill to amend the law pertaining to the prohibition of certain solicitations by health care providers.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

**H.B. 1049** (Senate Committee Substitute), a bill to amend the law concerning assaults on governmental officers and employees to include company police officers and campus police officers.

The Senate Committee Substitute bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

**H.B. 1827** (Senate Committee Substitute), a bill to provide that the exemption of Beaufort County from certain provisions of law relating to the appointment of commissioners of a public housing authority shall not be applicable to the City of Washington and the Washington Housing Authority.

The Senate Committee Substitute bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill which changes the title by special messenger.

**H.B. 1917** (Committee Substitute), a bill to amend the effective date of the North Carolina Interstate Banking Act and to set an application fee.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

**H.B. 1972** (Senate Committee Substitute), a bill to clarify that all data except effluent or emission data is entitled to protection as a trade secret pursuant to G.S. 132–1.2, as recommended by the Environmental Review Commission.

The Senate Committee Substitute bill passes its second (43–1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**H.B. 1563** (Committee Substitute), a bill to amend State insurance and Medicaid laws to comply with the Federal Omnibus Budget Reconciliation Act of 1993 and guarantee the continued availability of federal Medicaid funds for the State; and to make a corresponding insurance law amendment, referred to the to **Appropriations Committee** earlier today.

Pursuant to Rule 47(b), Senator Plyler offers a motion that the Committee Substitute bill be taken from the **Appropriations Committee** and placed at the end of today's Calendar for consideration, upon its passage, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Appropriations Committee** and places the measure at the end of today's Calendar for consideration upon its passage.

## CALENDAR (Continued)

**S.B. 1628**, a bill clarifying that a motor vehicle operating lease that contains a terminal rental adjustment clause is not a sale and does not create a security interest in the leased property, temporarily displaced earlier.

The bill passes its second (43–0) and third readings and is ordered sent to the House of Representatives by special messenger.

**H.B. 795** (Senate Committee Substitute), a bill to amend the law pertaining to the prohibition of certain solicitations by health care providers, temporarily displaced earlier.

The Senate Committee Substitute bill passes its second (44–2) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill which changes the title by special messenger.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 1633** (Committee Substitute), an act to prohibit the running of deer by dogs in the Towns of Kitty Hawk and Nags Head. (Ch. 585)

**H.B. 1880** (Committee Substitute), an act to allow the Town of Beech Mountain to install sewer lines with its own crew and equipment. (Ch. 586)

**H.B. 1955**, an act concerning zoning classifications in the City of Winston–Salem and Forsyth County. (Ch. 587)

**H.B. 1956**, an act concerning zoning by the City of Winston–Salem and Forsyth County. (Ch. 588)

**H.B. 1957**, an act relating to disqualification of contractors from bidding on construction contracts of the City of Winston–Salem. (Ch. 589)

**H.B. 2017** (Committee Substitute), an act to authorize the Town of Mint Hill to exercise extraterritorial jurisdiction within its sphere of influence. (Ch. 590)

## CALENDAR (Continued)

**H.B. 1917** (Committee Substitute), a bill to amend the effective date of the North Carolina Interstate Banking Act and to set an application fee, temporarily displaced earlier.

The Committee Substitute bill passes its second (41–1) and third readings and is ordered enrolled.

## REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee**:

**H.B. 1959**, a bill to prohibit hunting with firearms from public roads in Cabarrus and Pasquotank Counties, with a favorable report.

**H.B. 2003**, a bill to prohibit the running of deer with dogs in Durham County, with a favorable report, as amended.

## CALENDAR (Continued)

**S.B. 872** (House Committee Substitute), a bill to provide that family care homes shall be treated as residences for purposes in addition to zoning, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Cooper, Daniel, Edwards, Folger, Forrester, Gunter, Harris, Hoyle, Johnson, Kaplan, Kerr, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**H.B. 740** (Senate Committee Substitute), a bill to designate a relative of a nursing home patient and a relative of a rest home patient as public members of the Nursing Home Penalty Review Committee, as written by the **Children and Human Resources Committee**, and re–referred to the **Appropriations Committee** on July 22.

Pursuant to Rule 47(b), Senator Plyler offers a motion that the Senate Committee Substitute bill be taken from the **Appropriations Committee** and placed at the end of today's Calendar for consideration upon its passage, which motions prevail.

The Chair orders the Senate Committee Substitute bill taken from the **Appropriations Committee** and places the measure at the end of today's Calendar for consideration upon its passage.

## CALENDAR (Continued)

**S.B. 453**, a bill to repeal the requirement for health certificates for marriage license applicants, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 453** (House Committee Substitute), a bill to repeal the requirement for health certificates for marriage license applicants and to exempt home quilters from certain requirements of Chapter 130A of the General Statutes.

The Chair orders, without objection, the House Committee Substitute bill temporarily displaced.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**H.B. 1605** (Committee Substitute), a bill to make modifications in appropriations for operations of State departments, institutions, and agencies for the 1994–95 Fiscal Year, to extend certain expiring budget provisions, and for other purposes.

On motion of Senator Daniel, without objection, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (45–0) and third readings and is ordered enrolled.

The Chair declares the Senate in recess at 6:00 P.M. for the purpose of committee meetings, to reconvene at 7:30 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

**H.B. 1718**, a bill to extend the life of the North Carolina Sentencing and Policy Advisory Commission and to continue the terms of the existing members, with a favorable report.

By Senator Harris for the **Pensions and Retirement Committee**:

**H.B. 2065** (Committee Substitute), a bill to amend the Charlotte Firefighters' Retirement System Act, with a favorable report.

By Senator Folger, Vice Chairman, for Senator Hyde, Chairman, for the **Constitution and Election Laws Committee**:

**H.B. 1776** (Committee Substitute), a bill to rewrite the voter registration laws of North Carolina and to make other election–law changes, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Senate Committee Substitute bill 7911, which changes the title, upon concurrence, to read **H.B. 1776** (Senate Committee Substitute), a bill to rewrite the voter registration laws of North Carolina, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon its passage.

## ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

**H.B. 1605** (Committee Substitute), an act to make modifications in appropriations for operations of State departments, institutions, and agencies for the 1994–95 Fiscal Year, to extend certain expiring budget provisions, and for other purposes. (Ch. 591)

## SUPPLEMENTAL CALENDAR

Bills and resolutions ordered placed at the end of today's Calendar are taken up and disposed of, as follows:

**S.B. 1321**, a bill to incorporate the Town of Sandyfield in Columbus County, upon second reading.

The bill passes its second reading by roll–call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Speed, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**S.B. 1693**, a bill amending the Charter of the Town of Green Level in Alamance County to authorize enactment of a property maintenance ordinance and the assessment of certain costs of enforcement as a lien against the property, upon second reading.

On motion of Senator Folger, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll–call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lucas, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Seymour, Shaw, Sherron, Simpson, Speed, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 825**, a bill concerning impact fees by the Town of Garner, upon second reading.

The bill passes its second reading by roll–call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Speed, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.J.R. 1975**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to authorize the Department of Transportation to lease a certain designated part of the right–of–way of N.C. 147 to the City of Durham for parking purposes.

With unanimous consent, on motion of Senator Gulley, the joint resolution is taken up out of its regular order of business.

Receiving a two–thirds majority affirmative vote, the joint resolution passes its second (45–0) and third readings and is ordered enrolled.

**H.B. 1508**, a bill to authorize the City of Lexington to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll–call vote, ayes 38, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Conder, Cooper, Daniel, Folger, Gulley, Gunter, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Seymour, Shaw, Sherron, Soles, Speed, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—38.

Voting in the negative: Senator Harris—1.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1556**, a bill to revise and consolidate the Charter of the Town of Winterville, upon second reading.

Receiving a three–fifths majority affirmative vote, the bill passes its second reading by roll–call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1557**, a bill to remove from the corporate limits of the Town of Grifton certain described territory in Lenoir County, upon second reading.

The bill passes its second reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Soles, Speed, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1722** (Committee Substitute), a bill to permit the City of Greenville to use wheel locks, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Walker, Ward, Warren, and Winner of Mecklenburg—41.

Voting in the negative: Senator Winner of Buncombe—1.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1904** (Committee Substitute No. 2), a bill to allow Macon and Haywood Counties to acquire property for use by their County Boards of Education and to authorize the Macon and Haywood County Boards of Education to convey property to their counties in connection with improvements and repair of the property, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll–call vote, ayes 44, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Simpson, Soles, Speed, Walker, Ward, Warren, and Winner of Buncombe—44.

Voting in the negative: Senators Sherron and Winner of Mecklenburg—2.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1926**, a bill to allow Brunswick County to acquire property for use by the County Board of Education, and to provide for the use of county owned property by schools in certain counties, upon second reading.

The bill passes its second reading by roll–call vote, ayes 39, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Carpenter, Cochrane, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Soles, Speed, Walker, Ward, Warren, and Winner of Buncombe—39.

Voting in the negative: Senators Blackmon, Kerr, Sherron, and Winner of Mecklenburg—4.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1927** (Committee Substitute), a bill to allow Sampson County to acquire property for use by Sampson Community College and to authorize the Sampson Community College Board of Trustees to convey property to the County in connection with improvement and repair of the property, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 40, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Carpenter, Cochrane, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Simpson, Soles, Speed, Walker, Ward, Warren, and Winner of Buncombe—40.

Voting in the negative: Senators Blackmon, Kerr, Sherron, and Winner of Mecklenburg—4.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1928** (Committee Substitute), a bill to remove the sunset on the law allowing Richmond and Sampson Counties to acquire property for use by the County Boards of Education, and to authorize local boards of education in or for Sampson County to convey property to the County in connection with improvement and repair of the property, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 40, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Carpenter, Cochrane, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Simpson, Soles, Speed, Tally, Walker, Ward, and Winner of Buncombe—40.

Voting in the negative: Senators Blackmon, Kerr, Sherron, and Winner of Mecklenburg—4.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1979**, a bill to advance the effective date of an act authorizing the merger of the Towns of Hazelwood and Waynesville, upon second reading.

The bill passes its second reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Cooper, Daniel, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1981** (Senate Committee Substitute), a bill to authorize the Town of Oriental to levy a room occupancy and tourism development tax and to provide that Pamlico County may join the Global TransPark Development Zone, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll–call vote, ayes 40, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Cooper, Daniel, Edwards, Folger, Gulley, Gunter, Hartsell, Hoyle, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: Senators Harris and Johnson—2.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 2012** (Committee Substitute), a bill to authorize the Village of Bald Head Island to increase its room occupancy tax from three percent to six percent, to modify the existing Bald Head Island room occupancy tax, and to allow Columbus County to

create fire protection districts in which fire protection is funded by fees rather than taxes, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: Senators Ballantine and Harris—2.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

With unanimous consent, the Chair orders the measures on the Calendar upon second reading roll–call taken up out of the regular order of business.

**H.B. 382** (Senate Committee Substitute), a bill to amend the statutes regulating professional engineers and land surveyors, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 988** (Senate Committee Substitute No. 2), a bill to amend the Licensure Act for speech and language pathologists and audiologists to exempt certain assistant personnel from the licensure requirement if they are registered with the Board by their employer, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading by roll–call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The Senate Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1082**, a bill to give the Board of Pharmacy authority to regulate medical equipment intended for use in an individual's home, upon second reading.

On motion of Senator Winner of Buncombe, Committee Amendment No. 1 is adopted.

Senator Winner of Buncombe offers Amendment No. 2, which is adopted (40–0).

The bill, as amended, passes its second reading by roll–call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1142** (Senate Committee Substitute), a bill to establish the North Carolina Substance Abuse Professionals Certification Act, upon second reading.

Senator Cooper offers Amendment No. 1 which is adopted (45–0), changing the title, upon concurrence, to read **H.B. 1142** (Senate Committee Substitute), a bill to establish the North Carolina Substance Abuse Professionals Certification Act and to make amendments to the laws governing licensed professional counselors.

The Senate Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

The President relinquishes the gavel to Senator Basnight, President *Pro Tempore*, who presides.

**H.B. 1644**, a bill to allow Avery County to acquire property for use by the County Board of Education, upon second reading.

The bill passes its second reading by roll–call vote, ayes 42, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Simpson, Soles, Speed, Tally, Walker, Ward, and Winner of Buncombe—42.

Voting in the negative: Senators Blackmon, Sherron, and Winner of Mecklenburg—3.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1663** (Committee Substitute), a bill to exempt all annuities and funding agreements from premium taxation; to clarify the authorization for the issuance of and establish standards for funding agreements; and to make conforming changes in laws

on priority of distribution of assets of insolvent insurers and on securities, upon second reading.

With unanimous consent, Senator Johnson is excused from voting for the following reason: "My law firm represents a party who has an interest in the bill."

The Committee Substitute bill passes its second reading by roll–call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Jordan, Kaplan, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1853**, a bill to authorize Caldwell Community College and Technical Institute to use part of its bond funds for water and sewer lines to the facility, upon second reading.

The bill passes its second reading by roll–call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lucas, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Sherron, Simpson, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

With unanimous consent, measures appearing on the supplemental Calendar No. 2 upon second reading roll–call, are taken up out of the regular order of business.

**H.B. 203** (Senate Committee Substitute), a bill to require that individuals and businesses engaged in the practice of tattooing obtain a permit from the Department of Environment, Health, and Natural Resources, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

Senator Basnight, President *Pro Tempore*, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

**H.B. 1619**, a bill to comply with federal law by revising the bingo stamp method of ensuring that for–hire vehicles operated in this State in interstate commerce are insured and to make technical changes to the motor carrier laws, upon second reading.

The bill passes its second reading by roll–call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1628** (Committee Substitute), a bill to provide an expedited procedure for creation of county water and sewer districts after failure of low–pressure pipe sewer systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1843** (Committee Substitute), a bill to conform the Vehicle Emissions Inspection Program to the requirements of federal law and to make technical changes in the vehicle inspection laws, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: Senator Sherron—1.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1846** (Committee Substitute), a bill to allow Harnett and Lee Counties to acquire property for use by the County Boards of Education, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Cochrane, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—43.

Voting in the negative: Senators Blackmon and Winner of Mecklenburg—2.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1725** (Senate Committee Substitute), a bill to make technical and clarifying changes to the revenue laws and related statutes, to improve the administration of the soft drink excise tax, and to extend the sunset of a tax credit, to amend the law regarding application for certification as a clinical social worker, to restore the soft drink tax exemption for natural juice with no additives other than vitamins, minerals, or sugar, and to make the effective date of changes made during the 1993 session to the consumer credit sale laws retroactive.

The Chair rules the measure requires a call of the roll.

Senator Soles offers Amendment No. 1 which is adopted (44–0).

The Senate Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

## WITHDRAWAL FROM CALENDAR

**H.B. 1663** (Committee Substitute), a bill to exempt all annuities and funding agreements from premium taxation; to clarify the authorization for the issuance of and establish standards for funding agreements; and to make conforming changes in laws on priority of distribution of assets of insolvent insurers and on securities, placed on the Calendar for tomorrow, Friday, July 1, earlier today, upon third reading.

Senator Odom offers a motion that the Committee Substitute bill be taken from the Calendar for tomorrow, Friday, July 1, and placed before the Senate for further consideration, which motions prevail.

The Chair orders the Committee Substitute bill taken from the Calendar for tomorrow, Friday, July 1, and places the measure before the Senate for immediate consideration upon third reading.

The Chair rules the measure does not require a call of the roll.

The Committee Substitute bill passes its third reading and is ordered enrolled.

**CALENDAR** (Continued)

**H.B. 1591**, a bill to provide that the City of New Bern may not make involuntary annexations across the Trent River, and to exempt that City from limitations on the total area of satellite annexations, upon second reading.

The bill passes its second reading by roll–call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Folger, Forrester, Gunter, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1680** (Committee Substitute), a bill enabling the County of Davidson to establish an airport authority for the operation and maintenance of airport facilities in the County of Davidson for the citizens of Davidson County, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1687**, a bill to annex a described piece of property to the Town of Lake Lure and remove any portion of that property from Chimney Rock Village, upon second reading.

The bill passes its second reading by roll–call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1704**, a bill to permit the acquisition of property for the Duplin County Airport by eminent domain with immediate vesting of title and right of possession in the County, upon second reading.

The bill passes its second reading by roll–call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Folger, Forrester,

Gulley, Gunter, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plyler, Sands, Seymour, Sherron, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1900**, a bill to provide for an election within the Duck Area Beautification District of Dare County to authorize the levy and collection of ad valorem property taxes for the purpose of constructing and maintaining sidewalks within that District, upon second reading.

The bill passes its second reading by roll–call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1997**, a bill relating to investments of the City of Durham, upon second reading.

The bill passes its second reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 1998** (Senate Committee Substitute), a bill relating to the investments of the County of Durham, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

**H.B. 2030** (Committee Substitute), a bill to annex a certain described area to the corporate limits of the Town of Carthage, and to prescribe that the boundaries of another area are primary corporate limits of only the Town of Southern Pines, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 46, noes 10, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 1, for further consideration upon third reading.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**H.B. 542** (Committee Substitute), a bill to implement a recommendation of the General Statutes Commission to increase the amount of property collectible by small estate affidavit where the sole heir and/or devisee is the surviving spouse, to increase the minimum amount of intestate personal property passing to the surviving spouse, and to increase the amount of the year's allowance for a surviving spouse and children, referred to the **Rules and Operation of the Senate Committee** on July 15, 1993.

Pursuant to Rule 47(b), Senator Sands offers a motion that the Committee Substitute bill be taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Judiciary I Committee**, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Rules and Operation of the Senate Committee** and re–refers the measure to the **Judiciary I Committee**.

**H.B. 987**, a bill to establish peer review for optometrists and to establish an optometrist privilege, referred to the **Rules and Operation of the Senate Committee** on July 24, 1993.

Pursuant to Rule 47(b), Senator Sands offers a motion that the Committee Substitute bill be taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Judiciary II Committee** and upon a favorable report, re–referred to the **Finance Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and re–refers the measure to the **Judiciary II Committee**.

## CALENDAR (Continued)

**S.B. 1089** (Committee Substitute), a bill to require the Department of Labor to conduct informational inspections of shelters for homeless persons.

With unanimous consent, on motion of Senator Gulley, the Committee Substitute bill is taken up out of its regular order of business.

The Committee Substitute bill passes its second (41–1) and third readings and is ordered sent to the House of Representatives by special messenger.

## RECONSIDERATION

**H.B. 1644**, a bill to allow Avery County to acquire property for use by the County Board of Education, which passed its second reading earlier today.

Senator Marshall offers a motion that the vote by which the bill passed its second reading be reconsidered, which motion prevails, and the question becomes the passage of the bill upon second reading.

The Chair rules the measure does not require a call of the roll.

Senator Folger offers a motion Committee Amendment No. 1, as recommended by the **Local Government and Regional Affairs Committee** be adopted.

Senator Simpson rises to a point of order as to Amendment No. 1 being material. The Chair rules Amendment No. 1 is not material.

Amendment No. 1 is adopted (43–1), changing the title, upon concurrence, to read **H.B. 1644**, a bill to allow certain counties to acquire property for use by the County Board of Education.

The bill, as amended, passes its second (41–3) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, which changes the title by special messenger.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**S.B. 1504** (House Committee Substitute), a bill to expand the duties of the State Controller; to reduce costs to the State by authorizing private publication of the Administrative Code; concerning the law pertaining to school textbooks; to expand the membership of the North Carolina Air Cargo Airport Authority; and to increase the tort claims award, referred to the **Appropriations Committee** on June 22.

Pursuant to Rule 47(b), Senator Daniel offers a motion that the House Committee Substitute bill be taken from the **Appropriations Committee** and placed before the Senate for immediate consideration, which motions prevail.

The Chair orders the House Committee Substitute bill taken from the **Appropriations Committee** and places the measure before the Senate for consideration upon concurrence.

The Senate fails to concur in the House Committee Substitute bill (2–42).

Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Daniel (Chairman), Plyler, Cochrane, Kaplan, Lee, Odom, Martin of Pitt, Plexico, Perdue, Richardson, Hartsell, and Ward as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

With bills remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Odom, the Senate adjourns at 10:11 P.M. in memory of Avery Upchurch, former Mayor of Raleigh, to meet tomorrow, Friday, July 1, at 9:30 A.M.

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# ONE HUNDRED THIRTY-FOURTH DAY

SENATE CHAMBER,
Friday, July 1, 1994.

The Senate meets pursuant to adjournment and, in accordance with Rule 3, is called to order by the Honorable Sylvia Morris Fink, Principal Clerk, in the absence of the Lieutenant Governor, the President *Pro Tempore*, and the Deputy President *Pro Tempore*. The gavel is handed to the Honorable A. P. Sands III, Chairman of the **Rules and Operation of the Senate Committee**, who presides.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Our Heavenly Father, we are about to celebrate another anniversary of the independence of our great Nation. May we all understand and appreciate the importance and the meaning of this day.

"Help us to understand that freedom is not the privilege of doing as we please, but the opportunity and responsibility for doing what is right.

"We express our thanks to You for our independent forefathers, for the privilege of living in a Nation and State of rich natural wealth and for the opportunity to represent the great people of our State in this Senate.

"In this last session, we ask for Your Guidance to insure that our actions meet the needs of our citizens. Help us to understand that we have the individual responsibility for each decision that we make.

"Give us the courage to take the action that will make a difference. Amen."

Senator Conder, for the **Rules and Operation of the Senate Committee,** announces the Journal of yesterday, Thursday, June 30, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the Presiding Officer grants a leave of absence for today to Senator Hyde.

Upon the arrival of the Lieutenant Governor, Senator Sands relinquishes the gavel. The President of the Senate, the Honorable Dennis A. Wicker, presides.

Pursuant to the motion prevailing on Tuesday, June 28, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**H.B. 1536** (Committee Substitute), a bill to allow Pasquotank County and Chowan County to acquire property for use by their County Boards of Education.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

**H.B. 1661**, a bill to permit the use of Powell Bill funds for the construction of sidewalks.

Referred to **Transportation Committee.**

**H.B. 1683** (Committee Substitute No. 2), a bill to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

**H.B. 1774** (Committee Substitute No. 2), a bill to establish the Capitol Preservation Commission, to make the Commission responsible for the care and administration of the North Carolina State Capitol and Union Square, and to establish the Capitol Preservation Fund.

Referred to **Appropriations Committee.**

**H.B. 1878** (Committee Substitute), a bill to enable the County of Avery to establish an airport authority for the maintenance of airport facilities in the County.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 1901**, a bill restoring the Dare County Board of Education to seven members.

Referred to **Local Government and Regional Affairs Committee.**

**H.B. 1940** (Committee Substitute), a bill to establish a commercial special device license.

Referred to **Finance Committee.**

**H.B. 1983**, a bill to require the Department of Transportation to pay the non-betterment costs of moving utilities owned by rural water systems operated by counties as enterprise systems in connection with highway projects.

Referred to **Transportation Committee.**

**H.B. 1988**, a bill to incorporate the Town of Neuse Forest, subject to a referendum.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 1993** (Committee Substitute No. 2), a bill to authorize the City of Washington to negotiate and enter into a long–term contract for municipal services and to annex certain property into that City, to allow the Town of Stanley to negotiate annexation contracts and to annex certain property into that Town, and to set the filing period for candidates for the Beaufort County Board of Education.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 2002**, a bill to amend the Charter of the City of Durham to authorize the acquisition of property that fails to meet the minimum housing code in order to provide housing for persons with low or moderate incomes.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 2057** (Committee Substitute No. 2), a bill to provide for surety bonds for small businesses that contract with governmental agencies.

Referred to **Finance Committee.**

**H.B. 2039**, a bill to make a technical correction in a local act concerning a deannexation from the City of Burlington.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

**H.B. 2123**, a bill to amend the State policy on employment of prisoners.

Referred to **Judiciary I Committee**.

**H.B. 2126**, a bill to allow clerks of court to accept government notes as acceptable collateral for deposits in financial institutions.

Referred to **Banks and Thrift Institutions Committee.**

**H.J.R. 2130**, a joint resolution honoring the life and memory of Joe Max Thomas, former State Senator.

Referred to **Rules and Operation of the Senate Committee**.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

**H.B. 689**
(Senate Committee Substitute)

House of Representatives
June 30, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for **HB 689**, A BILL TO BE ENTITLED AN ACT TO CREATE A NEW OFFENSE OF THIRD DEGREE TRESPASS, we have ordered the bill enrolled.

Respectfully,
S/Denise Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**S.B. 87**
(House Committee Substitute)

House of Representatives
July 1, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for **SB 87**, A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSENT OF THE BOARD OF COMMISSIONERS OF LISTED COUNTIES BEFORE LAND MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY AND TO PROVIDE THAT THE PROVISIONS OF G.S. 153A–15 IN ANY COUNTY SUBJECT TO THAT SECTION DO NOT APPLY TO PROPERTY WITHIN THE CITY LIMITS OF THE CITY THAT IS ACQUIRING THE PROPERTY, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## CALENDAR

A bill on the Calendar, carried forward as unfinished business from Thursday, June 30, is taken up and disposed of, as follows:

**S.B. 453** (House Committee Substitute), a bill to repeal the requirement for health certificates for marriage license applicants and to exempt home quilters from certain requirements of Chapter 130A of the General Statutes, for concurrence in the House Committee Substitute bill.

On motion of Senator Forrester, the Chair orders, without objection, the House Committee Substitute bill temporarily displaced.

## REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Manufacturing and Labor Committee**:

**H.B. 1889** (Committee Substitute), a bill to restore unemployment benefits to their pre–1983 level, to make participation in reemployment services a condition of receiving certain benefits, and to make technical changes to the employment security laws, with a favorable report.

On motion of Senator Kerr, the Committee Substitute bill is placed on the supplemental Calendar for today, for further consideration.

By Senator Ballance for the **Judiciary I Committee**:

**S.B. 1398**, a bill to require the registration of persons convicted of certain criminal sexual offenses and to appropriate funds to implement this act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the proposed Committee Substitute bill 1820 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

Senator Plyler immediately rises and offers a motion, pursuant to Rule 47(b), that the Committee Substitute bill be taken from the **Appropriations Committee** and placed on the supplemental Calendar for today, which motions prevail.

With unanimous consent, the rules are suspended and the Chair orders the Committee Substitute bill taken from the **Appropriations Committee** and placed on today's supplemental Calendar upon its passage.

## CALENDAR (Continued)

The Chair announces, with unanimous consent, roll–call measures appearing on the Calendars for today shall be placed before the Senate for consideration prior to other measures.

Bills and resolutions on the Calendar for today, July 1, are taken up out of the regular order of business and disposed of, as follows:

**S.B. 1321**, a bill to incorporate the Town of Sandyfield in Columbus County, upon third reading.

The bill passes its third reading by roll–call vote, ayes 46, noes 0, as follow:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives by special messenger.

## INTRODUCTION OF BILL

Senator Cooper offers a motion that Rule 40 be suspended to the end he be allowed to file the following bill, which motion prevails by a two–thirds majority vote:

**S.B. 1722**, a bill to appoint persons to various public offices upon the recommendation of the President of the Senate.

## CALENDAR (Continued)

**S.B. 1693**, a bill amending the Charter of the Town of Green Level in Alamance County to authorize enactment of a property maintenance ordinance and the assessment of certain costs of enforcement as a lien against the property, as amended, upon third reading.

The bill, as amended, passes its third reading by roll–call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Forrester, Gunter, Harris, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Martin of Pitt, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

**H.B. 825**, a bill concerning impact fees by the Town of Garner, upon third reading.

The bill passes its third reading by roll–call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lucas, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: Senator Ballantine—1.

The bill is ordered enrolled.

**H.B. 1508**, a bill to authorize the City of Lexington to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll–call vote, ayes 35, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Conder, Cooper, Daniel, Gunter, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lucas, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—35.

Voting in the negative: Senators Ballantine, Forrester, and Harris—3.

The bill is ordered enrolled.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 536** (Senate Committee Substitute), an act to allow area mental health, developmental disabilities, and substance abuse authorities to purchase property by installment contracts. (Ch. 592)

**H.B. 689** (Senate Committee Substitute), an act to create the offense of third degree trespass in Wilkes and Yadkin Counties. (Ch. 593)

**H.B. 977** (Senate Committee Substitute), an act to amend the Entry of Judgment Rule, Rule 58 of the Rules of Civil Procedure, as requested by the North Carolina Bar Association. (Ch. 594)

**H.B. 1551**, an act to eliminate the requirement of proof of financial responsibility upon renewal of a drivers license. (Ch. 595)

**H.B. 1755** (Senate Committee Substitute), an act to amend the counties in which it is a criminal offense to practice phrenology, palmistry, fortune telling, clairvoyance, and other similar crafts. (Ch. 596)

**H.B. 1770** (Committee Substitute), an act to make it a felony for any person to transfer a handgun to a minor as recommended by the Child Fatality Task Force. (Ch. 597)

**H.B. 1961** (Senate Committee Substitute), an act to encourage the voluntary remediation of contaminated sites, as recommended by the Environmental Review Commission, and to provide that a person who knowingly makes a false statement in documents required under the solid waste laws is guilty of a misdemeanor. (Ch. 598)

**H.B. 1917** (Committee Substitute), an act to amend the effective date of the North Carolina Interstate Banking Act and to set an application fee. (Ch. 599)

**S.J.R. 1709**, a joint resolution providing for the confirmation of the appointment of Hugh Wells made by the Governor to membership on the North Carolina Utilities Commission. (Res. 37)

**H.J.R. 1975**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to authorize the Department of Transportation to lease a certain designated part of the right–of–way of N.C. 147 to the City of Durham for parking purposes. (Res. 38)

**H.B. 1663** (Committee Substitute), an act to exempt all annuities and funding agreements from premium taxation; to clarify the authorization for the issuance of and establish standards for funding agreements; and to make conforming changes in laws on priority of distribution of assets of insolvent insurers and on securities. (Ch. 600)

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 613** House of Representatives
(Senate Committee Substitute) July 1, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **HB 613** A BILL TO BE ENTITLED AN ACT TO ALLOW HEALTH CARE FACILITIES TO FURNISH PUBLIC HEALTH AUTHORITIES WITH PATIENT RECORDS UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE QUALIFIED IMMUNITY FOR PERSONS WHO ASSIST IN EVALUATING THE RISKS OF TRANSMISSION BY HEALTH CARE WORKERS OF HIV OR HEPATITIS B TO PATIENTS, and requests conferees. The Speaker has appointed Representative R. Hunter, Representative Kuczmarski, Representative Gottovi, and Representative Gardner on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## CALENDAR (Continued)

**H.B. 1556**, a bill to revise and consolidate the Charter of the Town of Winterville, upon third reading.

Receiving a three–fifth affirmative majority vote, the bill passes its third reading by roll–call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Conder, Cooper, Edwards, Folger, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 1557**, a bill to remove from the corporate limits of the Town of Grifton certain described territory in Lenoir County, upon third reading.

The bill passes its third reading by roll–call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gunter, Hartsell, Hoyle, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 1591**, a bill to provide that the City of New Bern may not make involuntary annexations across the Trent River, and to exempt that City from limitations on the total area of satellite annexations, upon third reading.

The bill passes its third reading by roll–call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lucas, Marshall, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—41.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 1680** (Committee Substitute), a bill enabling the County of Davidson to establish an airport authority for the operation and maintenance of airport facilities in the County of Davidson for the citizens of Davidson County, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Forrester, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lucas, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**H.B. 1687**, a bill to annex a described piece of property to the Town of Lake Lure and remove any portion of that property from Chimney Rock Village, upon third reading.

The bill passes its third reading by roll–call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 1704**, a bill to permit the acquisition of property for the Duplin County Airport by eminent domain with immediate vesting of title and right of possession in the County, upon third reading.

The bill passes its third reading by roll–call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lucas, Marshall, Martin of Pitt, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: Senator Ballantine—1.

The bill is ordered enrolled.

**H.B. 1722** (Committee Substitute), a bill to permit the City of Greenville to use wheel locks, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 38, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gunter, Harris, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lucas, Marshall, Martin of Pitt, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Mecklenburg—38.

Voting in the negative: Senator Winner of Buncombe—1.

The Committee Substitute bill is ordered enrolled.

**H.B. 1900**, a bill to provide for an election within the Duck Area Beautification District of Dare County to authorize the levy and collection of ad valorem property taxes for the purpose of constructing and maintaining sidewalks within that District, upon third reading.

The bill passes its third reading by roll–call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lucas, Marshall, Martin of Pitt, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 1904** (Committee Substitute No. 2), a bill to allow Macon and Haywood Counties to acquire property for use by their County Boards of Education and to authorize the Macon and Haywood County Boards of Education to convey property to their counties in connection with improvements and repair of the property, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll–call vote, ayes 37, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Carpenter, Cochrane, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Smith, Soles, Speed, Tally, Walker, Ward, and Winner of Buncombe—37.

Voting in the negative: Senators Blackmon, Sherron, and Winner of Mecklenburg—3.

The Committee Substitute bill No. 2 is ordered enrolled.

**H.B. 1926**, a bill to allow Brunswick County to acquire property for use by the County Board of Education, and to provide for the use of county owned property by schools in certain counties, upon third reading.

The bill passes its third reading by roll–call vote, ayes 40, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Carpenter, Cochrane, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: Senator Blackmon—1.

The bill is ordered enrolled.

**H.B. 1927** (Committee Substitute), a bill to allow Sampson County to acquire property for use by Sampson Community College and to authorize the Sampson Community College Board of Trustees to convey property to the County in connection with improvement and repair of the property, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 41, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Carpenter, Cochrane, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe—41.

Voting in the negative: Senators Blackmon and Winner of Mecklenburg—2.

The Committee Substitute bill is ordered enrolled.

**H.B. 1928** (Committee Substitute), a bill to remove the sunset on the law allowing Richmond and Sampson Counties to acquire property for use by the County Boards of Education, and to authorize local boards of education in or for Sampson County to convey property to the County in connection with improvement and repair of the property, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 41, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Carpenter, Cochrane, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, and Winner of Buncombe—41.

Voting in the negative: Senators Blackmon, Sherron, and Winner of Mecklenburg—3.

The Committee Substitute bill is ordered enrolled.

**H.B. 1979**, a bill to advance the effective date of an act authorizing the merger of the Towns of Hazelwood and Waynesville, upon third reading.

The bill passes its third reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 1981** (Senate Committee Substitute), a bill to authorize the Town of Oriental to levy a room occupancy and tourism development tax and to provide that Pamlico County may join the Global TransPark Development Zone, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll–call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Conder, Cooper, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: Senator Parnell—1.

The measure is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, which changes the title, by special messenger.

**H.B. 1997**, a bill relating to investments of the City of Durham, upon third reading.

The bill passes its third reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 1998** (Senate Committee Substitute), a bill relating to investments of the County of Durham, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll–call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, and Winner of Buncombe—42.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence, by special messenger.

**H.B. 2012** (Committee Substitute), a bill to authorize the Village of Bald Head Island to increase its room occupancy tax from three percent to six percent, to modify the existing Bald Head Island room occupancy tax, and to allow Columbus County to create fire protection districts in which fire protection is funded by fees rather than taxes, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 36, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Blackmon, Carpenter, Conder, Cooper, Edwards, Folger, Gulley, Gunter, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Guilford, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, and Winner of Buncombe—36.

Voting in the negative: Senators Allran, Cochrane, Forrester, and Parnell—4.

The Committee Substitute bill is ordered enrolled.

**H.B. 2030** (Committee Substitute), a bill to annex a certain described area to the corporate limits of the Town of Carthage, and to prescribe that the boundaries of another area are primary corporate limits of only the Town of Southern Pines, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**S.B. 87** (House Committee Substitute), a bill to require consent of the Board of Commissioners of listed counties before land may be condemned or acquired by a unit of local government outside the county and to provide that the provisions of G.S. 153A–15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property, Conference Report submitted June 29, for adoption, upon third reading.

On motion of Senator Forrester, the Senate adopts the Conference Report on its third reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The title changes and the House of Representatives having taken a like action, the Chair orders the House Committee Substitute bill enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**H.B. 203** (Senate Committee Substitute), a bill to require that individuals and businesses engaged in the practice of tattooing obtain a permit from the Department of Environment, Health, and Natural Resources, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll–call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence, by special messenger.

**H.B. 382** (Senate Committee Substitute), a bill to amend the statutes regulating professional engineers and land surveyors, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence, by special messenger.

**H.B. 988** (Senate Committee Substitute No. 2), a bill to amend the Licensure Act for speech and language pathologists and audiologists to exempt certain assistant personnel from the licensure requirement if they are registered with the Board by their employer, upon third reading.

The Senate Committee Substitute bill No. 2 passes its third reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Senate Committee Substitute bill No. 2 is ordered sent to the House of Representatives for concurrence, by special messenger.

**H.B. 1082**, a bill to give the Board of Pharmacy authority to regulate medical equipment intended for use in an individual's home, as amended, upon third reading.

Senator Cooper offers Amendment No. 3 which is adopted (42–0).

The bill, as amended, passes its third reading by roll–call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3, by special messenger.

**H.B. 1142** (Senate Committee Substitute), a bill to establish the North Carolina Substance Abuse Professionals Certification Act and to make amendments to the laws governing licensed professional counselors, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll–call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Blackmon, Carpenter, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: Senator Ballance—1.

The Senate Committee Substitute bill, as amended, which changes the title, is ordered engrossed and sent to the House of Representatives for concurrence, by special messenger.

**H.B. 1619**, a bill to comply with federal law by revising the bingo stamp method of ensuring that for–hire vehicles operated in this State in interstate commerce are insured and to make technical changes to the motor carrier laws, upon third reading.

The bill passes its third reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 1628** (Committee Substitute), a bill to provide an expedited procedure for creation of county water and sewer districts after failure of low–pressure pipe sewer systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee, upon third reading.

Senator Soles offers Amendment No. 1 which proposes to change the title, upon concurrence, to read **H.B. 1628** (Committee Substitute), a bill to provide an expedited procedure for creation of county water and sewer districts after failure of low–pressure pipe sewer systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee and to give water and

sewer authorities the power to adopt ordinances to regulate stormwater and drainage systems.

Senator Johnson rises to a point of order as to Amendment No. 1 being germane to the original subject matter. The Chair takes the point of order under advisement and orders the bill, with Amendment No. 1 pending, temporarily displaced.

**H.B. 1725** (Senate Committee Substitute), a bill to make technical and clarifying changes to the revenue laws and related statutes, to improve the administration of the soft drink excise tax, and to extend the sunset of a tax credit, to amend the law regarding application for certification as a clinical social worker, to restore the soft drink tax exemption for natural juice with no additives other than vitamins, minerals, or sugar, and to make the effective date of changes made during the 1993 session to the consumer credit sale laws retroactive, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Simpson, Smith, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, which changes the title, is ordered engrossed and sent to the House of Representatives for concurrence, by special messenger.

**H.B. 1843** (Committee Substitute), a bill to conform the Vehicle Emissions Inspection Program to the requirements of federal law and to make technical changes in the vehicle inspection laws, upon third reading.

On motion of Senator Lee, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

**H.B. 1846** (Committee Substitute), a bill to allow Harnett and Lee Counties to acquire property for use by the County Boards of Education, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 39, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Jordan, Kaplan, Kerr, Kincaid, Lucas, Marshall, Martin of Pitt, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Simpson, Smith, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—39.

Voting in the negative: Senators Blackmon and Winner of Mecklenburg—2.

The Committee Substitute bill is ordered enrolled.

**S.B. 872** (House Committee Substitute), a bill to provide that family care homes shall be treated as residences for purposes in addition to zoning, for concurrence in the House Committee Substitute bill, upon third reading.

With unanimous consent, the House Committee Substitute bill is taken up out of its regular order of business.

The Senate concurs in the House Committee Substitute bill on its third reading by roll–call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Jordan, Kaplan, Kerr, Kincaid, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Simpson, Smith, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

**H.B. 1628** (Committee Substitute), a bill to provide an expedited procedure for creation of county water and sewer districts after failure of low–pressure pipe sewer systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee, upon third reading, with Amendment No. 1 pending, temporarily displaced earlier, with a point of order under advisement.

Senator Johnson withdraws the point of order as to germaneness of Amendment No. 1.

Amendment No. 1 is adopted (36–0), changing the title, upon concurrence, to read **H.B. 1628** (Committee Substitute), a bill to provide an expedited procedure for creation of county water and sewer districts after failure of low–pressure pipe sewer systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee and to give water and sewer authorities the power to adopt ordinances to regulate stormwater and drainage systems.

The Committee Substitute bill, as amended, passes its third reading by roll–call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kerr, Kincaid, Lucas, Marshall, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, which changes the title upon concurrence, by special messenger.

## INTRODUCTION OF BILL

Senator Sands offers a motion that Rule 40 be suspended to allow the introduction of the following bill filed earlier today which motion prevails by a two–thirds majority vote.

By Senator Gulley:

**S.B. 1723**, a bill to authorize the Department of Transportation to lease a certain designated part of the right–of–way of N.C. 147 to the City of Durham for parking purposes.

Referred to **Local Government and Regional Affairs Committee**.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**S.B. 1504**
(House Committee Substitute)

House of Representatives
July 1, 1994

*Mr. President:*

Pursuant to your information that your Honorable body failed to concur in House Committee Substitute to **SB 1504**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE DUTIES OF THE STATE CONTROLLER; TO REDUCE COSTS TO THE STATE BY AUTHORIZING PRIVATE PUBLICATION OF THE ADMINISTRATIVE CODE; CONCERNING THE LAW PERTAINING TO SCHOOL TEXTBOOKS; TO EXPAND THE MEMBERSHIP OF THE NORTH CAROLINA AIR CARGO AIRPORT AUTHORITY; AND TO INCREASE THE TORT CLAIMS AWARD, the Speaker has appointed as conferees on the part of the House, Representatives Diamont, Nesbitt, Black, Rogers, Crawford, Wainwright, Easterling, Nye, Holt, Bowman, McAllister, McLaughlin, Lemmond, Dickson, Bowie, Gray, Esposito, Robinson, Barnes, Fitch, Redwine, Wright, H. Hunter, Richardson, and Hensley to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**H.B. 1794** (Committee Substitute), a bill to incorporate the Town of Sandyfield in Columbus County.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re–referred to **Finance Committee.**

## APPOINTMENT OF CONFERENCE COMMITTEE

**H.B. 613** (Committee Substitute), a bill to allow health care facilities to furnish public health authorities with patient records under certain circumstances, which Senate Committee Substitute proposes to change the title to read **H.B. 613** (Senate Committee Substitute), a bill to allow health care facilities to furnish public health authorities with patient records under certain circumstances and to provide qualified immunity for persons who assist in evaluating the risks of transmission by health care workers of HIV or Hepatitis B to patients.

Pursuant to the message from the House of Representatives received earlier today, requesting conferees, Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Cooper (Chairman), Winner of Mecklenburg, and Walker as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**CALENDAR** (Continued)

Bills and resolutions on the supplemental Calendar, carried forward as unfinished business from Thursday, June 30, are taken up out of the regular order of business and disposed of, as follows:

**H.B. 1502**, a bill to require that public condemnors give notice to and receive the consent of the Onslow County Board of Commissioners before condemning property in Onslow County.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1535**, a bill to exempt Currituck County and the Whalehead Preservation Trust and Currituck Wildlife Museum, Inc., from certain statutory requirements in the renovation of the historic Whalehead Club.

On motion of Senator Folger, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1, by special messenger.

**H.B. 1565** (Senate Committee Substitute), a bill to exempt Bladen County from the requirements of Article 12 of Chapter 160A of the General Statutes as to the sale or lease of certain property and to exempt physicians serving on the board of directors of a public hospital in Bladen County from G.S. 14–234, which provides that the director of a public trust shall not enter into a contract with the public trust except under certain circumstances.

The Senate Committee Substitute bill which changes the title passes its second and third readings and is ordered sent to the House of Representatives for concurrence by special messenger.

**H.B. 1592**, a bill to clarify the duty of the City Attorney of the City of New Bern when an insurance carrier can provide defense to the City.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1742**, a bill to increase the size of the Civil Service Board for the City of New Bern, and to provide for staggered terms on that Board.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1882**, a bill to allow the Town of White Lake to operate a contract post office.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1887** (Committee Substitute), a bill changing the date on which members of the Perquimans County Board of Education take office, and providing a four–year term for the Mayor of the Town of Creswell.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 1938**, a bill to change the audits of ABC profits of the Hamlet Board of Alcoholic Control from quarterly to annually.

Senator Ballance offers Amendment No. 1 which is adopted (37–3).

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

**H.B. 1950**, a bill to authorize the City of Durham, the County of Durham, and the Durham Public Schools to dispose of personal property.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1951**, a bill to allow the Town of Boonville to install sewer lines with its own crew and equipment.

Senator Sands offers Amendment No. 1 which is adopted (42–0), changing the title upon concurrence to read, **H.B. 1951**, a bill to allow the Town of Boonville to install sewer lines and to allow Watauga County to repair the Watauga High School Physical Education and Athletic Facilities Project with its own crew and equipment.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1, which changes the title, by special messenger.

**H.B. 1991**, a bill to amend the North Wilkesboro Firemen's Supplementary Fund to include certain retired fire department employees and volunteer firemen previously excluded.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1994** (Committee Substitute), a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue weapon permits in Polk, Madison, and Yancey Counties.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 2024**, a bill to allow the City of Washington to declare its no–wake law inapplicable during certain special events.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 2038** (Committee Substitute), a bill to authorize the Burlington City School unit to dispose of certain property at private sale.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

## RECALL FROM COMMITTEE BY CHAIRMAN

**H.B. 2029**, a bill relating to the regulation of subdivisions in Robeson County, referred to **Local Government and Regional Affairs Committee** on June 28.

Pursuant to Rule 47(b), Senator Folger offers a motion that the bill be recalled from the **Local Government and Regional Affairs Committee** and placed before the Senate for immediate consideration, which motions prevail.

The Chair orders the bill taken from the **Local Government and Regional Affairs Committee** and placed before the Senate for immediate consideration upon its passage.

The bill passes its second and third readings and is ordered enrolled.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**H.B. 2006** (Committee Substitute), a bill to allow the trapping and killing of red wolves by owners of private land.

On motion of Senator Basnight, the Committee Substitute bill is placed before the Senate for immediate consideration.

The bill passes its second (38–3) and third readings and is ordered enrolled.

## CALENDAR (Continued)

Additional bills and resolutions on today's Calendar are taken up out of the regular order of business and disposed of, as follows:

**H.B. 1959**, a bill to prohibit hunting with firearms from public roads in Cabarrus and Pasquotank Counties.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1984** (Committee Substitute), a bill to exempt Franklin County from certain statutory requirements in certain construction contracts.

Senator Soles offers Amendment No. 1 which is adopted (35–0), changing the title, upon concurrence, to read **H.B. 1984** (Committee Substitute), a bill to exempt Franklin and Columbus Counties from certain statutory requirements in certain construction contracts.

Senator Ballance offers Amendment No. 2 which is adopted (29–6).

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2 which change the title, by special messenger.

**H.B. 2003**, a bill to prohibit the running of deer with dogs in Durham County.

On motion of Senator Albertson, Committee Amendment No. 1 is adopted, changing the title upon concurrence to read **H.B. 2003**, a bill to prohibit the taking of deer with dogs in Durham County.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 which changes the title, by special messenger.

**H.B. 2008**, a bill to increase the benefits of the Henderson Firemen's Supplemental Retirement System.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 2065** (Committee Substitute), a bill to amend the Charlotte Firefighters' Retirement System Act.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

## RECALL FROM COMMITTEE BY CHAIRMAN

**S.B. 1723**, a bill to authorize the Department of Transportation to lease a certain designated part of the right–of–way of N.C. 147 to the City of Durham for parking purposes, referred to **Local Government and Regional Affairs Committee** earlier today.

Pursuant to Rule 47(b), Senator Folger offers a motion that the bill be recalled from the **Local Government and Regional Affairs Committee** and placed on the Calendar for today upon its passage, which motions prevail.

The Chair orders the bill taken from the **Local Government and Regional Affairs Committee** and placed on the supplemental Calendar for today.

**H.B. 1970**, a bill to amend the Charter of the City of Raleigh as it relates to certain purchases and leases of real property by City employees, referred to **Local Government and Regional Affairs Committee** on June 20.

Pursuant to Rule 47(b), Senator Folger offers a motion that the bill be recalled from the **Local Government and Regional Affairs Committee** and placed on the Calendar for today upon its passage, which motions prevail.

The Chair orders the bill taken from the **Local Government and Regional Affairs Committee** and placed on the supplemental Calendar for today.

## INTRODUCTION OF BILL

Senator Cooper offers a motion that Rule 40 be suspended to allow the introduction of the following bills filed earlier today, which motion prevails by a two–thirds majority vote.

By Senator Cooper:

**S.B. 1724**, a bill to appoint persons to various public offices upon the recommendation of the President and President *Pro Tempore* of the Senate.

On motion of Senator Cooper, the bill is placed before the Senate for immediate consideration.

The bill passes its second (40–0) and third readings and is ordered, with unanimous consent, sent to the House of Representatives by special messenger.

By Senator Cooper:

**S.B. 1722**, a bill to appoint persons to various public offices upon the recommendation of the President of the Senate.

On motion of Senator Cooper, the rules are suspended and the bill is read a first time.

On motion of Senator Cooper, the bill is referred to the **Rules and Operation of the Senate Committee.**

## RECALL FROM COMMITTEE BY CHAIRMAN

**H.B. 2032**, a bill relating to service of complaints and orders in housing code cases in the City of Asheville and to authorize the City Council to require owners of rental property within the City of Asheville to authorize an agent to accept service of process, referred to **Local Government and Regional Affairs Committee** on June 29.

Pursuant to Rule 47(b), Senator Folger offers a motion that the bill be recalled from the **Local Government and Regional Affairs Committee** and placed on the Calendar for today upon its passage, which motions prevail.

The Chair orders the bill taken from the **Local Government and Regional Affairs Committee** and placed on the supplemental Calendar for today.

**H.B. 2019**, a bill to allow the City of Asheville to donate unclaimed bicycles to charity, referred to **Local Government and Regional Affairs Committee** on June 24.

Pursuant to Rule 47(b), Senator Folger offers a motion that the bill be recalled from the **Local Government and Regional Affairs Committee** and placed on the Calendar for today upon its passage, which motions prevail.

The Chair orders the bill taken from the **Local Government and Regional Affairs Committee** and placed on the supplemental Calendar for today.

**H.B. 1983**, a bill to require the Department of Transportation to pay the non-betterment costs of moving utilities owned by rural water systems operated by counties as enterprise systems in connection with highway projects, received upon a message from the House of Representatives and referred to the **Transportation Committee** earlier today.

Pursuant to Rule 47(b), Senator Speed offers a motion that the bill be recalled from the **Transportation Committee** and placed on the Calendar for today upon its passage, which motions prevail.

The Chair orders the bill taken from the **Transportation Committee** and placed on the supplemental Calendar for today.

**H.B. 1661**, a bill to permit the use of Powell Bill funds for the construction of sidewalks, received upon a message from the House of Representatives and referred to the **Transportation Committee** earlier today.

Pursuant to Rule 47(b), Senator Speed offers a motion that the bill be recalled from the **Transportation Committee** and placed on the Calendar for today upon its passage, which motions prevail.

The Chair orders the bill taken from the **Transportation Committee** and placed on the supplemental Calendar for today.

The Senate recesses for two hours for the purpose of committee meetings.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## RECALL FROM COMMITTEE BY CHAIRMAN

**H.B. 2126**, a bill to allow clerks of court to accept government notes as acceptable collateral for deposits in financial institutions, received upon a message from the House of Representatives and referred to the **Banks and Thrift Institutions Committee** earlier today.

Pursuant to Rule 47(b), Senator Warren offers a motion that the bill be recalled from the **Banks and Thrift Institutions Committee** and placed on the Calendar for today upon its passage, which motions prevail.

The Chair orders the bill taken from the **Banks and Thrift Institutions Committee** and placed at the end of today's supplemental Calendar for today.

## CALENDAR (Continued)

**S.B. 453** (House Committee Substitute), a bill to repeal the requirement for health certificates for marriage license applicants and to exempt home quilters from certain requirements of Chapter 130A of the General Statutes, for concurrence in the House Committee Substitute bill, temporarily displaced earlier.

The Senate concurs in the House Committee Substitute bill (29–0), changing the title and the measure is ordered enrolled.

Additional bills and resolutions on the Calendar carried forward as unfinished business from the first supplemental Calendar of June 30, are taken up out of the regular order of business and disposed of, as follows:

**S.B. 1707**, a bill to amend the setoff debt collection act to require the Department of Human Resources to submit certain debts for collection by setoff against the debtors' State income tax refunds.

On motion of Senator Winner of Buncombe, Committee Amendment No. 1 is adopted, changing the title to read **S.B. 1707**, a bill to amend the setoff debt collection act to require State agencies to submit certain debts for collection by setoff against the debtors' State income tax refunds.

The bill, as amended, passes its second (31–1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

**H.B. 27** (Committee Substitute), a bill to restrict the transportation of children under the age of twelve in the open bed or open cargo area of a vehicle.

On motion of Senator Ballance, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (29–3) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1, by special messenger.

**H.B. 486**, a bill to place restrictions on the use of personal watercraft such as jet skis and water bikes, and to restrict certain activities in waters surrounding electric generating facilities, as amended.

On motion of Senator Sands, the Chair orders, without objection, the bill, as amended, temporarily displaced.

## RECALL FROM COMMITTEE BY CHAIRMAN

**H.B. 1536** (Committee Substitute), a bill to allow Pasquotank County and Chowan County to acquire property for use by their County Boards of Education, received earlier today upon a message from the House of Representatives and referred to the **Local Government and Regional Affairs Committee**.

Pursuant to Rule 47(b), Senator Folger offers a motion that the Committee Substitute bill be recalled from the **Local Government and Regional Affairs Committee** and placed on the Calendar for today upon its passage, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Local Government and Regional Affairs Committee** and placed on the supplemental Calendar for today.

**H.B. 1901**, a bill restoring the Dare County Board of Education to seven members, received upon a message from the House of Representatives earlier today and referred to the **Local Government and Regional Affairs Committee**.

Pursuant to Rule 47(b), Senator Folger offers a motion that the bill be recalled from the **Local Government and Regional Affairs Committee** and placed on the Calendar for today upon its passage, which motions prevail.

The Chair orders the bill taken from the **Local Government and Regional Affairs Committee** and placed on the supplemental Calendar for today.

**H.B. 1993** (Committee Substitute No. 2), a bill to authorize the City of Washington to negotiate and enter into a long–term contract for municipal services and to annex certain property into that City, to allow the Town of Stanley to negotiate annexation contracts and to annex certain property into that Town, and to set the filing period for candidates for the Beaufort County Board of Education, received upon a message from the House of Representatives earlier today and referred to the **Local Government and Regional Affairs Committee**.

Pursuant to Rule 47(b), Senator Folger offers a motion that the Committee Substitute bill No. 2 be recalled from the **Local Government and Regional Affairs Committee** and placed on the Calendar for today upon its passage, which motions prevail.

The Chair orders the Committee Substitute bill No. 2 taken from the **Local Government and Regional Affairs Committee** and placed on the supplemental Calendar for today.

**CALENDAR** (Continued)

**H.B. 644** (Senate Committee Substitute), a bill to amend the Sedimentation Pollution Control Act of 1973 to make it more effective.

Senator Kaplan offers Amendment No. 1 which is adopted (37–0) changing the title, upon concurrence, to read **H.B. 644** (Senate Committee Substitute), a bill to amend the Sedimentation Pollution Control Act of 1973 to make it more effective and to provide that certain actions taken prior to 1 July 1993 relating to development qualify as existing development.

Senator Kaplan offers Amendment No. 2 which is adopted (37–0) further changing the title, upon concurrence, to read **H.B. 644** (Senate Committee Substitute), a bill to amend the Sedimentation Pollution Control Act of 1973 to make it more effective and to provide that certain actions taken prior to 1 July 1993 relating to development qualify as existing development and to redefine the definition of 'public water system' for purposes of the North Carolina Drinking Water Act.

The Senate Committee Substitute bill passes its second (35–1) and third readings. Senator Daniel requests to be recorded voting "aye" on third reading.

The Senate Committee Substitute bill, which changes the title upon concurrence, is ordered sent to the House of Representatives by special messenger without engrossment of Amendments No. 1 and No. 2.

On motion of Senator Basnight, with unanimous consent, the Senate agrees to accept messages from the House of Representatives transmitting bills and resolutions with amendments not engrossed.

**H.B. 822** (Senate Committee Substitute), a bill to amend the laws regarding computer–related crime.

On motion of Senator Winner of Buncombe, offers Amendment No. 1 which is adopted (35–0).

The Senate Committee Substitute bill, as amended, passes its second (37–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill without engrossment of Amendment No. 1, by special messenger.

**H.B. 1775**, a bill to resolve a conflict in the dealer license plate law concerning the use of dealer license plates on vehicles used by a dealer in a business that is separate from the business of selling motor vehicles, and to provide that a registration card issued for a dealer plate is not required to be specific for that dealer plate.

Senator Winner of Buncombe, offers Amendment No. 1 which is adopted (38–0).

The bill, as amended, passes its second (36–0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, by special messenger.

**H.B. 1936** (Senate Committee Substitute), a bill to make technical corrections and to make clarifying and conforming changes to various criminal statutes, to repeal various

criminal laws that are obsolete or redundant, and to extend the sunset for the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association.

Senator Ballance offers Amendment No. 1 which is adopted (34–0).

The Senate Committee Substitute bill, as amended, passes its second (38–0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Committee Substitute bill without engrossment of Amendment No. 1, by special messenger.

**H.B. 1944**, a bill to expand the State ports tax credit.

On motion of Senator Kaplan, the Chair orders, without objection, the bill temporarily displaced.

**H.B. 1973** (Senate Committee Substitute), a bill to provide standards for use by local governments in the review of applications for permits or for substantial amendments to permits for sanitary landfills in order to ensure that local government review of permit applications meets constitutional requirements, as recommended by the Environmental Review Commission.

Senator Shaw offers Amendment No. 1 which is adopted (31–0).

The Senate Committee Substitute bill, as amended, passes its second (38–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, without engrossment of Amendment No. 1, by special messenger.

Bills and resolutions on the Calendar carried forward as unfinished business from supplemental Calendar No. 2 of June 30, are taken up and disposed of, as follows.

**H.B. 1913**, a bill to authorize the appointment of a special board of equalization and review for Iredell County.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 2022**, a bill to enable the City of Gastonia to dissolve the Gastonia Airport Authority.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 650** (Senate Committee Substitute), a bill to amend Article 19 of Chapter 130A of the General Statutes regarding asbestos hazard management and to make certain technical changes to conform with recent federal requirements.

The Senate Committee Substitute bill, which changes the title, passes its second (39–0) and third readings and is ordered sent to the House of Representatives, for concurrence by special messenger.

**H.B. 1843** (Committee Substitute), a bill to conform the Vehicle Emissions Inspection Program to the requirements of federal law and to make technical changes in the vehicle inspection laws, temporarily displaced earlier, upon third reading.

Senator Lee offers Amendment No. 1 which is adopted (35–0).

The Committee Substitute bill, as amended, passes its third reading by roll–call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Cochrane, Conder, Cooper, Folger, Forrester, Gunter, Hoyle, Kaplan, Kerr, Kincaid, Lucas, Marshall, Martin of Pitt, Odom, Richardson, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—33.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, by special messenger.

**H.B. 740** (Senate Committee Substitute), a bill to designate a relative of a nursing home patient and a relative of a rest home patient as public members of the Nursing Home Penalty Review Committee.

The Senate Committee Substitute bill, which changes the title, passes its second (37–0) and third readings and is ordered sent to the House of Representatives, for concurrence, by special messenger.

## RECALL FROM COMMITTEE BY CHAIRMAN

**H.B. 528**, a bill to create the offense of third degree trespass in Iredell County, referred to the **Judiciary I Committee** on April 12, 1993.

Pursuant to Rule 47(b), Senator Ballance offers a motion that the bill be recalled from the **Judiciary I Committee** and placed on the supplemental Calendar for today upon its passage, which motions prevail.

The Chair orders the bill taken from the **Judiciary I Committee** and placed on the supplemental Calendar for today.

## CALENDAR (Continued)

**H.B. 1552**, a bill to make permanent the exemption for real estate acquired by the Department of Transportation from the requirement that it be appraised by a licensed or certified appraiser when the estimated value of the real estate is less than ten thousand dollars.

On motion of Senator Winner of Buncombe, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H.B. 1552**, a bill to extend the expiration date of the exemption for real estate acquired by the Department of Transportation from the requirement that it be appraised by a licensed or certified appraiser when the estimated value of the real estate is less than ten thousand dollars.

The bill, as amended, passes its second (41–0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, which changes the title, by special messenger.

**S.B. 1398** (Committee Substitute), a bill to require the registration of persons convicted of certain criminal sexual offenses and to appropriate funds to implement this act.

With unanimous consent, on motion of Senator Ballance, the Committee Substitute bill is taken up out of its regular order of business on the supplemental Calendar.

Senator Ballance offers Amendment No. 1 which is adopted (40–4).

On motion of Senator Ballance the Committee Substitute bill, as amended, is returned to the supplemental Calendar for further consideration in its regular order of business.

**H.B. 1563** (Committee Substitute), a bill to amend State insurance and Medicaid laws to comply with the Federal Omnibus Budget Reconciliation Act of 1993 and guarantee the continued availability of federal Medicaid funds for the State; and to make a corresponding insurance law amendment.

The bill passes its second (40–0) and third readings and is ordered enrolled.

Additional bills and resolutions on today's Calendar are taken up and disposed of, as follows:

**H.B. 1718**, a bill to extend the life of the North Carolina Sentencing and Policy Advisory Commission and to continue the terms of the existing members.

Senator Parnell offers a motion that the bill be postponed indefinitely which motion prevails.

The bill lies upon the table.

**H.B. 1776** (Senate Committee Substitute), a bill to rewrite the voter registration laws of North Carolina.

On motion of Senator Daniel, consideration of the Senate Committee Substitute bill is postponed until the end of the supplemental Calendar.

**H.B. 2015** (Senate Committee Substitute), a bill to clarify that counties and cities are not required to review and approve residential plans submitted pursuant to the North Carolina State Building Code.

The Senate Committee Substitute bill which changes the title passes its second (44–0) and third readings and is ordered sent to the House of Representatives, for concurrence, by special messenger.

**H.B. 1853**, a bill to authorize Caldwell Community College and Technical Institute to use part of its bond funds for water and sewer lines to the facility, upon third reading.

The bill passes its third reading and is ordered enrolled.

**H.B. 486**, a bill to place restrictions on the use of personal watercraft such as jet skis and water bikes, as amended, temporarily displaced earlier.

Senator Ballance offers a motion that Committee Amendment No. 2 be adopted which proposes to change the title, upon concurrence, to read **H.B. 486**, a bill to place restrictions on the use of personal watercraft such as jet skis and water bikes, and to restrict certain activities in waters surrounding electric generating facilities.

Senator Daniel offers a perfecting Amendment, No. 3, to Amendment No. 2, which is adopted (38–0). Committee Amendment No. 2 as perfected is adopted (40–0).

The bill, as amended, passes its second (44–0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1, No. 2 as perfected by No. 3, which changes the title upon concurrence, by special messenger.

On motion of Senator Basnight, the Senate recesses for the purpose of committee meetings.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## REPORT OF COMMITTEE

A bill is reported from a standing committee out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Harris for the **Pensions and Retirement Committee**:

**H.B. 1683** (Committee Substitute No. 2), a bill to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Workers' Pension Fund, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re–referred to the **Appropriations Committee**.

Pursuant to Rule 47(b), Senator Daniel, as Chairman of the **Appropriations Committee**, immediately rises and offers a motion that the Committee Substitute Bill No. 2 be recalled from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage, which motions prevail.

The Chair orders the Committee Substitute bill No. 2 taken from the **Appropriations Committee** and placed before the Senate upon its passage.

The Committee Substitute bill No. 2 passes its second reading (39–0) and third reading (39–0) and is ordered enrolled.

## CALENDAR (Continued)

**H.B. 1776** (Senate Committee Substitute), a bill to rewrite the voter registration laws of North Carolina, temporarily displaced earlier to the end of the supplemental Calendar.

With unanimous consent, on motion of Senator Plexico, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Plexico, courtesies of the floor are extended to staff, Gerry Cohen and Bill Gilkeson, for purposes of assisting in the explanation of the measure.

Senator Winner of Buncombe offers Amendment No. 1 which is adopted (36–0).

Senator Kincaid offers Amendment No. 2 which fails of adoption (13–25).

Senator Harris offers Amendment No. 3 which fails of adoption (17–21) and the question reverts to the main question.

The Senate Committee Substitute bill, as amended, passes its second (27–15) and third readings which changes the title and is ordered sent to the House of Representatives, for concurrence without engrossment of Amendment No. 1, by special messenger.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 825**, an act concerning impact fees by the Town of Garner. (Ch. 601)

**H.B. 1508**, an act to authorize the City of Lexington to levy a room occupancy and tourism development tax. (Ch. 602)

**H.B. 1556**, an act to revise and consolidate the Charter of the Town of Winterville. (Ch. 603)

**H.B. 1557**, an act to remove from the corporate limits of the Town of Grifton certain described territory in Lenoir County. (Ch. 604)

**H.B. 1591**, an act to provide that the City of New Bern may not make involuntary annexations across the Trent River, and to exempt that City from limitations on the total area of satellite annexations. (Ch. 605)

**H.B. 1680** (Committee Substitute), an act enabling the County of Davidson to establish an airport authority for the operation and maintenance of airport facilities in the County of Davidson for the citizens of Davidson County. (Ch. 606)

**H.B. 1687**, an act to annex a described piece of property to the Town of Lake Lure and remove any portion of that property from Chimney Rock Village. (Ch. 607)

**H.B. 1704**, an act to permit the acquisition of property for the Duplin County Airport by eminent domain with immediate vesting of title and right of possession in the County. (Ch. 608)

**H.B. 1722** (Committee Substitute), an act to permit the City of Greenville to use wheel locks. (Ch. 609)

**H.B. 1900**, an act to provide for an election within the Duck Area Beautification District of Dare County to authorize the levy and collection of ad valorem property taxes for the purpose of constructing and maintaining sidewalks within that District. (Ch. 610)

**H.B. 1904** (Committee Substitute No. 2), an act to allow Macon and Haywood Counties to acquire property for use by their County Boards of Education and to authorize the Macon and Haywood County Boards of Education to convey property to their Counties in connection with improvements and repair of the property. (Ch. 611)

**H.B. 1926**, an act to allow Brunswick County to acquire property for use by the County Board of Education, and to provide for the use of county owned property by schools in certain counties. (Ch. 612)

**H.B. 1927** (Committee Substitute), an act to allow Sampson County to acquire property for use by Sampson Community College and to authorize the Sampson Community College Board of Trustees to convey property to the County in connection with improvement and repair of the property. (Ch. 613)

**H.B. 1928** (Committee Substitute), an act to remove the sunset on the law allowing Richmond and Sampson Counties to acquire property for use by the County Boards of Education, and to authorize local boards of education in or for Sampson County to convey property to the County in connection with improvement and repair of the property. (Ch. 614)

**H.B. 1979**, an act to advance the effective date of an act authorizing the merger of the Towns of Hazelwood and Waynesville. (Ch. 615)

**H.B. 1997**, an act relating to investments of the City of Durham. (Ch. 616)

**H.B. 2012** (Committee Substitute), an act to authorize the Village of Bald Head Island to increase its room occupancy tax from three percent to six percent, to modify the existing Bald Head Island room occupancy tax, and to allow Columbus County to create fire protection districts in which fire protection is funded by fees rather than taxes. (Ch. 617)

**H.B. 2030** (Committee Substitute), an act to annex a certain described area to the corporate limits of the Town of Carthage, and to prescribe that the boundaries of another area are primary corporate limits of only the Town of Southern Pines. (Ch. 618)

**S.B. 872** (House Committee Substitute), an act to provide that family care homes shall be treated as residences for purposes in addition to zoning. (Ch. 619)

**S.B. 1323**, an act to incorporate the Village of Lake Park in Union County. (Ch. 620)

**H.B. 1619**, an act to comply with federal law by revising the bingo stamp method of ensuring that for–hire vehicles operated in this State in interstate commerce are insured and to make technical changes to the motor carrier laws. (Ch. 621)

**H.B. 1644**, an act to allow certain counties to acquire property for use by the County Board of Education. (Ch. 622)

**H.B. 1846** (Committee Substitute), an act to allow Harnett and Lee Counties to acquire property for use by the County Boards of Education. (Ch. 623)

**S.B. 87** (House Committee Substitute), an act to require consent of the Board of Commissioners of listed counties before land may be condemned or acquired by a unit of local government outside the county and to provide that the provisions of G.S. 153A–15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property. (Ch. 624)

**H.B. 1632**, an act to allow the Towns of Kill Devil Hills, Kitty Hawk, Nags Head, and Southern Shores to regulate certain activities in waterways adjacent to those Towns. (Ch. 625)

Courtesies of the floor are extended to John Winters, former Senator from Wake County.

## CALENDAR (Continued)

An additional bill on the supplemental Calendar carried forward as unfinished business from June 30, is taken up and disposed of, as follows:

**H.B. 1944**, a bill to expand the State ports tax credit, temporarily displaced earlier.

Senator Perdue offers Amendment No. 1 which proposes to change the title, upon concurrence, to read **H.B. 1944**, a bill to expand the State ports tax credit, to transfer the North Carolina State Ports Authority and the North Carolina Ports Railway Commission to the Department of Transportation and to amend the responsibilities of the Board of Transportation.

Senator Simpson rises to a point of order as to Amendment No. 1 germane to the original subject matter of the bill. The Chair takes the point of order under advisement and orders the bill temporarily displaced, with Amendment No. 1 pending.

## SUPPLEMENTAL CALENDAR

Bills on today's supplemental Calendar are taken up and disposed of, as follows:

**H.B. 1970**, a bill to amend the Charter of the City of Raleigh as it relates to certain purchases and leases of real property by City employees, placed earlier today on the supplemental Calendar.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 2019**, a bill to allow the City of Asheville to donate unclaimed bicycles to charity, placed earlier today on the supplemental Calendar.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 2032**, a bill relating to service of complaints and orders in housing code cases in the City of Asheville and to authorize the City Council to require owners of rental property within the City of Asheville to authorize an agent to accept service of process, placed earlier today on the supplemental Calendar.

The bill passes its second and third readings and is ordered enrolled.

**S.B. 1723**, a bill to authorize the Department of Transportation to lease a certain designated part of the right–of–way of N.C. 147 to the City of Durham for parking purposes, placed earlier today on the supplemental Calendar.

With unanimous consent, on motion of Senator Gulley, the bill is taken up out of its regular order of business.

The bill passes its second (29–0) and third readings and is ordered sent to the House of Representatives by special messenger.

**S.B. 1398** (Committee Substitute), a bill to require the registration of persons convicted of certain criminal sexual offenses and to appropriate funds to implement this act, as amended, and temporarily displaced earlier.

The Committee Substitute bill, as amended, passes its second (37–1) and third readings and is ordered sent to the House of Representatives, without engrossment of Amendment No. 1, by special messenger.

## RECALL FROM COMMITTEE BY CHAIRMAN

**H.B. 1960**, a bill requiring the payment of delinquent taxes in Ashe County before recording deeds conveying property subject to delinquent taxes, referred to the **Judiciary II Committee** on June 30.

Pursuant to Rule 47(b), Senator Cooper offers a motion that the bill be recalled from the **Judiciary II Committee** and placed on the supplemental Calendar for today upon its passage, which motions prevail.

The Chair orders the bill taken from the **Judiciary II Committee** and placed at the end of today's supplemental Calendar.

## SUPPLEMENTAL CALENDAR (Continued)

**H.B. 1661**, a bill to permit the use of Powell Bill funds for the construction of sidewalks, placed earlier today on the supplemental Calendar.

Senator Warren offers Amendment No. 1.

With unanimous consent, the Chair orders, the bill, with Amendment No. 1 pending, temporarily displaced.

**H.B. 1889** (Committee Substitute), a bill to restore unemployment benefits to their pre–1983 level, to make participation in reemployment services a condition of receiving certain benefits, and to make technical changes to the employment security laws.

On motion of Senator Kerr, the Chair orders the Committee Substitute bill temporarily displaced.

**H.B. 1983**, a bill to require the Department of Transportation to pay the nonbetterment costs of moving utilities owned by rural water systems operated by counties as enterprise systems in connection with highway projects, placed earlier today on the supplemental Calendar.

Senator Lee offers Amendment No. 1 which is adopted (35–1), changing the title, upon concurrence, to read **H.B. 1983**, a bill to require the Department of Transportation to pay the nonbetterment costs of moving utilities owned by rural water systems operated by counties as enterprise systems in connection with highway projects and to clarify that boards of county commissioners may establish staggered terms and four year terms for election of sanitary district board members at any time.

The bill, as amended, passes its second (37–0) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 which changes the title, by special messenger.

**H.B. 1536** (Committee Substitute), a bill to allow Pasquotank County and Chowan County to acquire property for use by their County Boards of Education, placed earlier today on the supplemental Calendar.

With unanimous consent, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

**H.B. 1901**, a bill restoring the Dare County Board of Education to seven members, placed on the supplemental Calendar earlier today.

With unanimous consent, the Chair orders, without objection, the bill temporarily displaced.

**H.B. 1993** (Committee Substitute No. 2), a bill to authorize the City of Washington to negotiate and enter into a long–term contract for municipal services and to annex certain property into that City, to allow the Town of Stanley to negotiate annexation contracts and to annex certain property into that Town, and to set the filing period for candidates for the Beaufort County Board of Education, placed on the supplemental Calendar earlier today.

The President rules the Committee Substitute bill No. 2 requires a call of the roll and orders, on motion of Senator Sands, the measure placed on the Calendar for the next legislative day for further consideration upon second reading.

**H.B. 2126**, a bill to allow clerks of court to accept government notes as acceptable collateral for deposits in financial institutions, placed earlier today on the supplemental Calendar.

The bill passes its second (37–0) and third readings and is ordered enrolled.

**H.B. 1536** (Committee Substitute), a bill to allow Pasquotank County and Chowan County to acquire property for use by their County Boards of Education, temporarily displaced earlier.

The President rules the Committee Substitute bill does not require a call of the roll.

The Committee Substitute bill passes its second (38–2) and third readings and is ordered enrolled.

The Chair declares the voting equipment inoperative.

**H.B. 1901**, a bill restoring the Dare County Board of Education to seven members, temporarily displaced earlier.

The bill passes its second and third readings and is ordered enrolled.

The Chair announces the voting equipment is now operating on the alternative system.

**H.B. 1889** (Committee Substitute), a bill to restore unemployment benefits to their pre–1983 level, to make participation in reemployment services a condition of receiving certain benefits, and to make technical changes to the employment security laws, temporarily displaced earlier.

Senator Winner of Buncombe rises to a point of order under Rule 42 as to the review of this measure by the **Finance Committee**. The Chair takes the point of order under advisement and orders the measure temporarily displaced pending his ruling.

**H.B. 528**, a bill to create the offense of third degree trespass in Iredell County, placed earlier today on the supplemental Calendar.

The bill passes its second (21–11) and third readings and is ordered enrolled.

**H.B. 1661**, a bill to permit the use of Powell Bill funds for the construction of sidewalks, temporarily displaced earlier, with Amendment No. 1 pending.

On motion of Senator Warren, Amendment No. 1 is adopted (31–0).

The bill, as amended, passes its second (32–1) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1, by special messenger.

**H.B. 1960**, a bill requiring the payment of delinquent taxes in Ashe County before recording deeds conveying property subject to delinquent taxes, placed earlier today on the supplemental Calendar.

The bill passes its second reading (28–5).

With unanimous consent, the bill remains before the Senate for further consideration upon third reading. On motion of Senator Soles, the bill is temporarily displaced.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**H.B. 1854** (Committee Substitute), a bill to provide for certification of window glazing inspectors, to apply the window glazing requirements uniformly, and to otherwise modify the window glazing laws.

On motion of Senator Sands, without objection, the Committee Substitute bill is placed on the supplemental Calendar for today for consideration upon its passage in its regular order of business.

**H.B. 2028**, (Committee Substitute), a bill to provide for the use of force account labor for grading construction work for Watauga High School Physical Education and Athletic Facilities Project.

Referred to **Local Government and Regional Affairs Committee**.

**S.B. 1632**, a bill to incorporate into the Charter of the City of Asheville an agreement making a full and final settlement of disputed matters relating to the amount of franchise tax due the City by two public utilities, for concurrence in House Amendment No. 1.

On motion of Senator Winner of Buncombe, the rules are suspended without objection, and the bill is placed before the Senate for immediate consideration for concurrence.

The Senate concurs in House Amendment No. 1 (31–0) and the measure is ordered enrolled.

**S.B. 1682**, a bill to make further sundry amendments relating to local governments in Orange and Chatham Counties, for concurrence in House Amendment No. 1.

On motion of Senator Daniel, the rules are suspended, without objection, and the bill is placed before the Senate for immediate consideration, for concurrence.

The Senate concurs in House Amendment No. 1 (30–0) and the measure is ordered enrolled.

**H.B. 1408**, a bill to require the public schools to provide instruction in American ethics.

Referred to **Appropriations Committee**.

**H.B. 2037**, a bill amending the Charter of the Town of Green Level in Alamance County to authorize enactment of a property maintenance ordinance and the assessment of certain costs of enforcement as a lien against the property.

Referred to **Local Government and Regional Affairs Committee**.

**H.B. 1965** (Committee Substitute), a bill to require that agencies give notice of proposed rule–making proceedings before publishing the proposed text of a permanent rule or a subject matter notice for a permanent rule.

Referred to **State Personnel and State Government Committee**.

**S.B. 1653**, a bill to amend the Charter of the City of Durham to authorize the acquisition of property that fails to meet the minimum housing code in order to provide housing for persons with low or moderate incomes, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1653** (House Committee Substitute), a bill to amend the Charter of the City of Durham to authorize the acquisition of property that fails to meet the minimum housing code in order to provide housing for persons with low or moderate incomes and to remove the limitation on punitive damages, authorize the trial judge to grant injunctive relief, and lengthen the time in which a complainant may file a private cause of action in housing discrimination cases brought under the City's fair housing ordinance.

On motion of Senator Gulley, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The President rules the House Committee Substitute bill is not a material amendment.

The Senate concurs in the House Committee Substitute bill on second (30–0) and third readings and the measure is ordered enrolled.

## SUPPLEMENTAL CALENDAR (Continued)

**H.B. 1960**, a bill requiring the payment of delinquent taxes in Ashe County before recording deeds conveying property subject to delinquent taxes, temporarily displaced earlier, upon third reading.

The bill passes its third reading and is ordered enrolled.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 1887** (Committee Substitute), an act changing the date on which members of the Perquimans County Board of Education take office, and providing a four–year term for the Mayor of the Town of Creswell. (Ch. 626)

**H.B. 1950**, an act to authorize the City of Durham, the County of Durham, and the Durham Public Schools to dispose of personal property. (Ch. 627)

**H.B. 1502**, an act to require that public condemnors give notice to and receive the consent of the Onslow County Board of Commissioners before condemning property in Onslow County. (Ch. 628)

**H.B. 1592**, an act to clarify the duty of the City Attorney of the City of New Bern when an insurance carrier can provide defense to the City. (Ch. 629)

**H.B. 1742**, an act to increase the size of the Civil Service Board for the City of New Bern, and to provide for staggered terms on that Board. (Ch. 630)

**H.B. 1882**, an act to allow the Town of White Lake to operate a contract post office. (Ch. 631)

**H.B. 1959**, an act to prohibit hunting with firearms from public roads in Cabarrus and Pasquotank Counties. (Ch. 632)

**H.B. 1991**, an act to amend the North Wilkesboro Firemen's Supplementary Fund to include certain retired fire department employees and volunteer firemen previously excluded. (Ch. 633)

**H.B. 1994** (Committee Substitute), an act to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue weapon permits in Polk, Madison, and Yancey Counties. (Ch. 634)

**H.B. 2006** (Committee Substitute), an act to allow the trapping and killing of red wolves by owners of private land. (Ch. 635)

**H.B. 2008**, an act to increase the benefits of the Henderson Firemen's Supplemental Retirement System. (Ch. 636)

**H.B. 2024**, an act to allow the City of Washington to declare its no–wake law inapplicable during certain special events. (Ch. 637)

**H.B. 2029**, an act relating to the regulation of subdivisions in Robeson County. (Ch. 638)

**H.B. 2038** (Committee Substitute), an act to authorize the Burlington City School unit to dispose of certain property at private sale. (Ch. 639)

**H.B. 2065** (Committee Substitute), an act to amend the Charlotte Firefighters' Retirement System Act. (Ch. 640)

**S.B. 1331**, an act to incorporate the Village of Marvin in Union County. (Ch. 641)

**S.B. 1679** (Committee Substitute), an act to make sundry amendments relating to local governments in Orange, Chatham, Forsyth, and Nash Counties. (Ch. 642)

**H.B. 1853**, an act to authorize Caldwell Community College and Technical Institute to use part of its bond funds for water and sewer lines to the facility. (Ch. 643)

**H.B. 1563** (Committee Substitute), an act to amend State insurance and Medicaid laws to comply with the Federal Omnibus Budget Reconciliation Act of 1993 and guarantee the continued availability of federal Medicaid funds for the State; and to make a corresponding insurance law amendment. (Ch. 644)

**H.B. 1913**, an act to authorize the appointment of a special board of equalization and review for Iredell County. (Ch. 645)

**H.B. 2022**, an act to enable the City of Gastonia to dissolve the Gastonia Airport Authority. (Ch. 646)

**S.B. 453** (House Committee Substitute), an act to repeal the requirement for health certificates for marriage license applicants and to exempt home quilters from certain requirements of Chapter 130A of the General Statutes. (Ch. 647)

**S.B. 1685**, an act to authorize the City of Kinston to levy a room occupancy and tourism development tax. (Ch. 648)

## CONFERENCE REPORT

**H.B. 358** (Senate Committee Substitute)

Senator Cooper, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 358** (Committee Substitute), a bill to implement recommendations of the Child Fatality Task Force to encourage prosecutorial child protection initiatives and **H.B. 358** (Senate Committee Substitute), a bill to implement recommendations of the Child Fatality Task Force to encourage prosecutorial child protection initiatives and to modify the conditions for bail and pretrial release for persons accused of sex offenses and crimes of violence against child victims, which proposes to change the title, submits the following report which proposes to further change the title, upon adoption, to read **H.B. 358** (Senate Committee Substitute), a bill to implement recommendations of the Child Fatality Task Force to encourage prosecutorial child protection initiatives and to clarify that judicial officials may set certain conditions for bail and pretrial release for persons accused of sex offenses and crimes of violence against child victims.

*To the President of the Senate and the*
*Speaker of the House of Representatives:*

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 358, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE CHILD FATALITY TASK FORCE TO ENCOURAGE PROSECUTORIAL CHILD PROTECTION INITIATIVES AND TO MODIFY THE CONDITIONS FOR BAIL AND PRETRIAL RELEASE FOR PERSONS ACCUSED OF SEX OFFENSES AND CRIMES OF VIOLENCE AGAINST CHILD VICTIMS., Fourth Edition Engrossed 7/8/93,

wish to report as follows:

The House concurs in the Senate Committee Substitute (Fourth Edition Engrossed 7/8/93), with the following amendments:

on page 1, line 4, by deleting the phrase "MODIFY THE" and by substituting the phrase "CLARIFY THAT JUDICIAL OFFICIALS MAY SET CERTAIN";

and on page 2, lines 36–37, by rewriting those lines to read:
"The conditions set forth above may be imposed in addition to any other conditions that the judicial official may impose on pretrial release.";

and on page 2, lines 40–42, by rewriting those lines to read:
"Sec. 7. This act is effective upon ratification.".

And the Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 27th day of June, 1994.

S/ Roy A. Cooper, III
S/ Wilbur P. Gulley
S/ Luther Jordan, Jr.
S/ James D. Speed

*Conferees for the Senate*

S/ Annie Brown Kennedy
S/ Michael P. Decker, Sr.
S/ David T. Flaherty, Jr.
S/ H. M. Michaux, Jr.
S/ Billy Richardson
S/ Kenneth Owen Spears, Jr.

*Conferees for the House of Representatives*

On motion of Senator Cooper, the Conference Report is adopted (29–0) changing the title. A message is ordered sent to the House of Representatives informing that Honorable Body of such action to the end that when a like action is taken by the House of Representatives the Speaker may order the measure enrolled.

## CONFERENCE REPORT

**H.B. 613** (Senate Committee Substitute)

Senator Cooper for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 613** (Committee Substitute), a bill to allow health care facilities to furnish public health authorities with patient records under certain circumstances and **H.B. 613** (Senate Committee Substitute), a bill to allow health care facilities to furnish public health authorities with patient records under certain circumstances and to provide qualified immunity for persons who assist in evaluating the risks of transmission by health care workers of HIV or Hepatitis B to patients, which proposes to change the title, submits the following report which proposes to further change the title, upon adoption, to read **H.B. 613** (Senate Committee Substitute), a bill to allow health care facilities to furnish public health authorities with patient records under certain circumstances.

*To: The President of the Senate and the*
*The Speaker of the House of Representatives*

The conferees appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 613, AN ACT TO ALLOW HEALTH CARE FACILITIES TO FURNISH PUBLIC HEALTH AUTHORITIES WITH PATIENT RECORDS UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE

QUALIFIED IMMUNITY FOR PERSONS WHO ASSIST IN EVALUATING THE RISKS OF TRANSMISSION BY HEALTH CARE WORKERS OF HIV OR HEPATITIS B TO PATIENTS., Third Edition, submit the following report:

On page 1, lines 4 through 6, by adding a period after the word "CIRCUMSTANCES" and deleting the rest of the sentence; and

On page 2, lines 16–28, by deleting those lines; and

On page 2, line 29, by renumbering "Sec. 3." to "Sec. 2.".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June 30, 1994.

| | |
|---|---|
| S/ Roy Cooper | S/ Robert C. Hunter |
| S/ Russell G. Walker | S/ Charlotte A. Gardner |
| S/ Leslie Winner | S/ Karen E. Gottovi |
| | S/ Erin Kuczmarski |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

On motion of Senator Cooper, the Conference Report is adopted (30–0) changing the title. A message is ordered sent to the House of Representatives informing that Honorable Body of such action to the end that when a like action is taken by the House of Representatives the Speaker may order the measure enrolled.

The Senate recesses for thirty minutes for the purpose of committee meetings.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Carpenter.

## CALENDAR (Continued)

**H.B. 1944**, a bill to expand the State ports tax credit, temporarily displaced earlier, with Amendment No. 1 pending and with a point of order as to germaneness of Amendment No. 1 under advisement.

Amendment No. 1 is held not to be germane and ordered returned to the sponsor.

On motion of Senator Hoyle, the Chair orders, without objection, the bill temporarily displaced.

The Senate recesses for the purpose of committee meetings.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 1970**, an act to amend the Charter of the City of Raleigh as it relates to certain purchases and leases of real property by City employees. (Ch. 649)

**H.B. 2019**, an act to allow the City of Asheville to donate unclaimed bicycles to charity. (Ch. 650)

**H.B. 2032**, an act relating to service of complaints and orders in housing code cases in the City of Asheville and to authorize the City Council to require owners of rental property within the City of Asheville to authorize an agent to accept service of process. (Ch. 651)

**S.B. 1632**, an act to incorporate into the Charter of the City of Asheville an agreement making a full and final settlement of disputed matters relating to the amount of franchise tax due the City by two public utilities. (Ch. 652)

**H.B. 1683** (Committee Substitute No. 2), an act to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Workers' Pension Fund. (Ch. 653)

**H.B. 1901**, an act restoring the Dare County Board of Education to seven members. (Ch. 654)

**H.B. 1536** (Committee Substitute), an act to allow Pasquotank County and Chowan County to acquire property for use by their County Boards of Education. (Ch. 655)

**H.B. 2126**, an act to allow clerks of court to accept government notes as acceptable collateral for deposits in financial institutions. (Ch. 656)

**H.B. 1960**, an act requiring the payment of delinquent taxes in Ashe County before recording deeds conveying property subject to delinquent taxes. (Ch. 657)

**S.B. 1653** (House Committee Substitute), an act to amend the Charter of the City of Durham to authorize the acquisition of property that fails to meet the minimum housing code in order to provide housing for persons with low or moderate incomes and to remove the limitation on punitive damages, authorize the trial judge to grant injunctive relief, and lengthen the time in which a complainant may file a private cause of action in housing discrimination cases brought under the City's fair housing ordinance. (Ch. 658)

**H.B. 528**, an act to create the offense of third degree trespass in Iredell County. (Ch. 659)

**S.B. 1682**, an act to make further sundry amendments relating to local governments in Orange and Chatham Counties. (Ch. 660)

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**S.B. 626**, a bill to adopt the model act of the National Association of Insurance Commissioners for risk–based capital requirements for life and health insurance companies, for concurrence in the House Committee Substitute bill with one amendment not engrossed, which changes the title, upon concurrence, to read **S.B. 626** (House Committee Substitute), a bill to adopt risk–based capital requirements for life and health insurance companies, to make corrections and technical amendments in the insurance laws, and to amend the scholarship provisions of the Firemen's Relief Fund in the Insurance Code.

On motion of Senator Parnell, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill (41–0), changing the title, and the measure is ordered enrolled.

**S.B. 952** (Committee Substitute), a bill to change the law regarding hospital authorities to offer health care services outside the city or county creating the authority, for concurrence in the House Committee Substitute bill with one amendment not engrossed, which changes the title, upon concurrence, to read **S.B. 952** (House Committee Substitute), a bill to change the law regarding hospital facilities to offer health care services in branch facilities.

On motion of Senator Cooper, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill (40–0), changing the title, and the measure is ordered enrolled.

**S.B. 1418** (Committee Substitute), a bill to reorganize education reports and to make technical and clarifying changes to the education laws, for concurrence in the House Committee Substitute bill with one amendment not engrossed, which changes the title, upon concurrence, to read **S.B. 1418** (House Committee Substitute), a bill to reorganize education reports, to clarify the terms for a scholarship loan under the Principal Fellows Program and to make technical and clarifying changes to the education laws.

On motion of Senator Conder, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill (39–0), changing the title, and the measure is ordered enrolled.

**S.B. 1436** (Committee Substitute), a bill to create a separate crab license in Chapter 113 of the General Statutes, to establish a two–year moratorium on specified fishing licenses, and to appropriate funds to study the fishery during the moratorium, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1436** (House Committee Substitute), a bill to make technical and clarifying changes to Chapter 576 of the 1993 Session Laws (Regular Session 1994) concerning the two–year moratorium on specified fishing licenses.

On motion of Senator Perdue, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill (35–0), changing the title, and the measure is ordered enrolled.

## RECALL FROM HOUSE OF REPRESENTATIVES

**H.B. 1983**, a bill to require the Department of Transportation to pay the nonbetterment costs of moving utilities owned by rural water systems operated by counties as enterprise systems in connection with highway projects, ordered sent to the House of Representatives earlier today for concurrence in Senate Amendment No. 1 which proposes to change the title to read **H.B. 1983**, a bill to require the Department of Transportation to pay the nonbetterment costs of moving utilities owned by rural water systems operated by counties as enterprise systems in connection with highway projects and to clarify that boards of county commissioners may establish staggered terms and four year terms for election of sanitary district board members at any time.

Senator Lee offers a motion to the end the bill, as amended, be recalled from the House of Representatives for further consideration by the Senate, which motion prevails.

The Chair orders a message sent to the House of Representatives requesting the return of the bill, as amended, for further consideration by the Senate.

## SUPPLEMENTAL CALENDAR (Continued)

**H.B. 1889** (Committee Substitute), a bill to restore unemployment benefits to their pre–1983 level, to make participation in reemployment services a condition of receiving certain benefits, and to make technical changes to the employment security laws, temporarily displaced earlier, with a point of order under advisement as to consideration by the **Finance Committee**.

Senator Winner of Buncombe withdraws the point of order as to consideration by the **Finance Committee**.

The Committee Substitute bill passes its second (38–0) and third readings and is ordered enrolled.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 619**
(Senate Committee Substitute)

House of Representatives
July 1, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **HB 619**, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE LAW REGARDING ATTORNEYS' FEES IN ACTIONS RELATING TO LIENS ON REAL PROPERTY, and requests conferees. The Speaker has appointed Representative Hensley, Representative Hackney, Representative R. Hunter, and Representative Flaherty on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise Weeks
*Principal Clerk*

Senator Basnight offers a motion the Senate do appoint conferees which motion prevails.

The President *Pro Tempore* appoints Senators Cooper (Chairman), Odom, and Hartsell as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 1981** House of Representatives
(Senate Committee Substitute) July 1, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **HB 1981** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ORIENTAL TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, and requests conferees. The Speaker has appointed Representative Nichols, Representative Wainwright, and Representative Smith on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Senator Basnight offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Perdue (Chairman), Hoyle, and Albertson as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## CONFERENCE REPORT

**H.B. 1981** (Senate Committee Substitute)

Senator Perdue, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1981** (Committee Substitute), a bill to authorize the Town of Oriental to levy a room occupancy and tourism development tax and **H.B. 1981** (Senate Committee Substitute), a bill to authorize the Town of Oriental to levy a room occupancy and tourism development tax and to provide that Pamlico County may join the Global TransPark Development Zone, which proposes to change the title, submits the following report which further proposes to change the title, upon adoption, to read **H.B. 1981** (Senate Committee Substitute), a bill to authorize the Town of Oriental to levy a room occupancy and tourism development tax.

*To the President of the Senate and the*
*Speaker of the House of Representatives:*

The conferees, appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1981, A BILL TO BE ENTITLED AN ACT

TO AUTHORIZE THE TOWN OF ORIENTAL TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO PROVIDE THAT PAMLICO COUNTY MAY JOIN THE GLOBAL TRANSPARK DEVELOPMENT ZONE, Senate Finance Committee Substitute Adopted 6/30/94, submit the following report:

The House concurs in the Senate Finance Committee Substitute Adopted 6/30/94 with the following amendments:

(1) On page 1, lines 3 through 5, delete: "AND TO PROVIDE THAT PAMLICO COUNTY MAY JOIN THE GLOBAL TRANSPARK DEVELOPMENT ZONE"

(2) On page 3, line 14 through page 5, line 25, by rewriting those lines to read:

"Sec. 2. This act is effective upon ratification."

The Senate agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 1, 1994.

| | |
|---|---|
| S/Beverly M. Perdue | S/John M. Nichols |
| S/David Hoyle | S/William L. Wainwright |
| Charles W. Albertson | S/Ronald L. Smith |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

On motion of Senator Perdue, the Conference Report is adopted (33–1) changing the title and a message is ordered sent to the House of Representatives informing that Honorable Body of such action to the end that when a like action is taken by the House of Representatives the Speaker may order the measure enrolled.

## RECALL FROM COMMITTEE BY CHAIRMAN

**H.B. 1774** (Committee Substitute No. 2), a bill to establish the Capitol Preservation Commission, to make the Commission responsible for the care and administration of the North Carolina State Capitol and Union Square, and to establish the Capitol Preservation Fund, referred to the **Appropriations Committee** earlier today.

Pursuant to Rule 47(b), Senator Plyler offers a motion that the Committee Substitute bill No. 2 be recalled from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage which motions prevail.

The Chair orders the Committee Substitute bill No. 2 taken from the **Appropriations Committee** and placed before the Senate upon its passage.

The Committee Substitute bill No. 2 passes its second (37–0) and third readings and is ordered enrolled.

## CALENDAR (Continued)

**H.B. 1944**, a bill to expand the State ports tax credit, temporarily displaced earlier.

The bill passes its second (35–0) and third readings and is ordered enrolled.

Senator Ballantine requests to be recorded voting "aye" on the question upon third reading.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**S.B. 1471** (House Committee Substitute), a bill to provide an expedited procedure for creation of county water and sewer districts after failure of low–pressure pipe sewer systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee, for concurrence in the House Committee Substitute bill.

On motion of Senator Johnson, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill (37–0) and the measure is ordered enrolled.

**S.B. 716** (Committee Substitute), a bill to modify the corporate income tax credit for construction of a cogenerating power plant by (1) providing that a partnership may qualify for the partnership, (2) clarifying that a partnership may pass an income tax credit through to its partners, (3) expanding the credit to include natural gas cogenerating power plants, (4) providing an alternative method to calculate the credit, (5) limiting the amount of credit that may be allowed each year, and (6) restricting the credit to natural gas cogenerating power plants effective beginning in 1998, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 716** (House Committee Substitute), a bill to modify the corporate income tax credit for construction of a cogenerating power plant by (1) providing that a partnership may qualify for the credit, (2) clarifying that a partnership may pass an income tax credit through to its partners, (3) expanding the credit to include natural gas cogenerating power plants, (4) providing an alternative method to calculate the credit, (5) limiting the amount of credit that may be allowed each year effective beginning in 1994, and (6) restricting the credit to natural gas cogenerating power plants effective beginning in 1998.

On motion of Senator Kerr, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill (31–0) changing the title and the measure is ordered enrolled.

**S.B. 1378**, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects, or supplements to capital improvements projects, of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill and to enable the University of North Carolina at Charlotte to set fees at a rate sufficient to finance the student activities center, for concurrence in House Amendment No. 1.

On motion of Senator Winner of Mecklenburg, the rules are suspended without objection and the bill is placed before the Senate for immediate consideration, upon concurrence.

The Chair rules the House Amendment No. 1 not to be material.

The Senate concurs in House Amendment No. 1 (35–0) and the bill is ordered enrolled.

**S.B. 906** (Committee Substitute No. 2), a bill to make various substantive amendments to the Workers' Compensation Act and to make related changes, for concurrence

in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 906** (House Committee Substitute No. 2), a bill to make various substantive amendments to the Workers' Compensation Act and to make related changes.

On motion of Senator Daniel, the rules are suspended without objection and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill No. 2 (37–0), changing the title, and the measure is ordered enrolled.

**S.B. 945** (Committee Substitute), a bill permitting the use of deadly force against an intruder under certain circumstances, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 945** (House Committee Substitute), a bill to permit the use of deadly force against an intruder under certain circumstances and to provide that a lawful occupant does not have a duty to retreat from an intruder, as provided at common law.

On motion of Senator Sands, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill (34–3), changing the title, and the measure is ordered enrolled.

## SUPPLEMENTAL CALENDAR (Continued)

**H.B. 1854** (Committee Substitute), a bill to provide for certification of window glazing inspectors, to apply the window glazing requirements uniformly, and to otherwise modify the window glazing laws, placed earlier today on the supplemental Calendar.

On motion of Senator Sands, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read and disposed of, as follows:

**S.B. 591** (Committee Substitute), a bill to restructure the hunting and fishing license schedule to more clearly define license requirements, to provide for twelve–month hunting and fishing licenses, to establish short–term and season nonresident licenses for hunting game, to provide for a free fishing day, and to provide for seven new members of the Wildlife Resources Commission to be appointed by the General Assembly, for concurrence in House Amendments No. 1 and No. 2, which change the title, upon concurrence, to read **S.B. 591** (Committee Substitute), a bill to restructure the hunting and fishing license schedule to more clearly define license requirements, to provide for twelve–month hunting and fishing licenses, to establish short–term and season nonresident licenses for hunting game, to provide for a free fishing day, and to provide for four new members of the Wildlife Resources Commission to be appointed by the General Assembly.

On motion of Senator Soles, the rules are suspended without objection, and the Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Chair rules House Amendments No. 1 and No. 2 not to be material.

The Senate concurs in House Amendments No. 1 and No. 2 (33–1), changing the title, and the Committee Substitute bill is ordered enrolled.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 1981**
(Senate Committee Substitute)

House of Representatives
July 1, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for **HB 1981**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ORIENTAL TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, to be end that when similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
*Principal Clerk*

## SUPPLEMENTAL CALENDAR (Continued)

**H.B. 1854** (Committee Substitute), a bill to provide for certification of window glazing inspectors, to apply the window glazing requirements uniformly, and to otherwise modify the window glazing laws, temporarily displaced earlier.

The Committee Substitute bill passes its second (35–0) and third readings and is ordered enrolled.

## INTRODUCTION OF JOINT RESOLUTION

Senator Sands offers a motion that Rule 40 be suspended to allow the introduction of the following joint resolution filed earlier today, which motion prevails by a two–thirds majority vote.

By Senators Sands, Allran, Basnight, Conder, Daniel, Forrester, Gulley, Hartsell, Hoyle, Johnson, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Guilford, Odom, Perdue, Plyler, Richardson, Seymour, Shaw, Simpson, Soles, Speed, Tally, Walker, Winner of Buncombe, and Winner of Mecklenburg:

**S.J.R. 1725** a joint resolution concerning adjournment *sine die*, which reads as follows:

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. Section 3 of Resolution 31 of the 1993 Session Laws is repealed.

Sec. 2. This resolution is effective upon ratification.

On motion of Senator Sands, the joint resolution is placed before the Senate for immediate consideration, upon its passage.

The joint resolution passes its second (37–2) and third readings and is ordered, with unanimous consent, sent to House of Representatives by special messenger.

## CONFERENCE REPORT

**H.B. 619** (Senate Committee Substitute)

Senator Odom, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 619**, a bill to delay the sunset on the Notice of Settlement Act and **H.B. 619** (Senate Committee Substitute), a bill to make permanent the law regarding attorneys' fees in actions relating to liens on real property, which proposes to change the title, submits the following report, which further proposes to change the title, upon adoption, to read **H.B. 619** (Senate Committee Substitute), a bill to make permanent the law regarding attorneys' fees in actions relating to liens on real property, and to clarify that an agreement to arbitrate a dispute is not considered an unenforceable contract requiring waiver of a jury trial.

*To the President of the Senate and the*
*Speaker of the House of Representatives:*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 619, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE LAW REGARDING ATTORNEYS' FEES IN ACTIONS RELATING TO LIENS ON REAL PROPERTY, Senate Judiciary II Committee Substitute Adopted 6/14/94, submit the following report:

The House and Senate agree to the following amendments to the Senate Committee Substitute, Senate Judiciary II Committee Substitute Adopted 6/14/94, and the House concurs in the Senate Committee Substitute as amended:

on page 1, line 3, delete "PROPERTY." and substitute "PROPERTY, AND TO CLARIFY THAT AN AGREEMENT TO ARBITRATE A DISPUTE IS NOT CONSIDERED AN UNENFORCEABLE CONTRACT REQUIRING WAIVER OF A JURY TRIAL.";

and on page 1, line 11, rewrite the line to read:

"Sec. 2. G.S. 22B–10 reads as rewritten:

'§22B–10. Contract provisions waiving jury trial unenforceable. Any provision in a contract requiring a party to the contract to waive his right to a jury trial is unconscionable as a matter of law and the provision shall be unenforceable. This section does not prohibit parties from entering into agreements to arbitrate or engage in other forms of alternative dispute resolution.'

Sec. 3. Section 2 of this act becomes effective October 1, 1993, and applies to any pending litigation filed on or after that date. The remainder of this act becomes effective June 30, 1994."

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: July 1, 1994.

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|---|---|
| S/Roy Cooper | S/R.J. Hensley, Jr. |
| S/T.L. Odom | S/Joe Hackney |
| S/Fletcher Hartsell, Jr. | S/Robert C. Hunter |
| | S/David Flaherty, Jr. |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

On motion of Senator Odom, the Conference Report is adopted (35–0), changing the title, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action to the end that when the House of Representatives takes a like action, the Speaker may order the Senate Committee Substitute bill enrolled.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 1984**
(Committee Substitute)

House of Representatives
July 1, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in Senate Amendment #1 to Comm. Sub. for **HB 1984**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FRANKLIN COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN CERTAIN CONSTRUCTION CONTRACTS, and requests conferees. The Speaker has appointed Representative Wilkins, Representative Hill, Representative Griffin, and Representative McLaughlin on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise Weeks
*Principal Clerk*

Senator Soles offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Soles (Chairman), Cooper, and Speed as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## ENROLLED BILLS

The Enrolling Clerk reports the following resolution properly enrolled, duly ratified and sent to the Office of the Secretary of State:

**S.J.R. 1725**, a joint resolution concerning adjournment *sine die*. (Res. 39)

On motion of Senator Basnight, seconded by Senator Richardson, the Senate adjourns at 12:13 A.M. July 2, to meet Tuesday, July 5, at 8:00 P.M.

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# ONE HUNDRED THIRTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, July 5, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. Robert Dannals, Rector of Christ Episcopal Church, New Bern, as follows:

"O Lord, so draw our hearts to You, so guide our minds, so fill our imaginations, so control our wills, that we may be wholly Yours, utterly dedicated to You; and then use us, we pray, as You will and always to Your Glory and the welfare of Your People in this State and beyond. We seek to find, and to be found by You and may You bless this Senate as they do Your Work this night. We ask this in Your Holy Name. Amen."

Senator Soles, Deputy President Pro Tempore, announces the Journal of Friday, July 1, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Ballantine, due to business out of state; and to Senator Gulley, Senator Simpson, Senator Seymour, and Senator Folger.

Pursuant to the motion prevailing on Tuesday, June 28, all bills and resolutions sent to the House of Representatives are ordered sent by special messenger.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**S.B. 1377**, an act to conform the threshold for determining if a penalty applies to an underpayment of withheld State income taxes to that used under the Internal Revenue Code for determining if a penalty applies to an underpayment of withheld federal income taxes, and to clarify the type of information a taxpayer must provide to the Secretary of Revenue. (Ch. 661)

**S.B. 1619**, an act to update the reference to the Internal Revenue Code used in determining certain taxable income and tax exemptions and to resolve an unintended conflict between the statute of limitations for certain tax refunds and the law allowing deductions for carrybacks, bad debts, and worthless securities. (Ch. 662)

**S.B. 1663** (Committee Substitute), an act to authorize the issuance of thirty-five million dollars of State Parks bonds or notes and to appropriate the proceeds of these bonds and notes for specific State Parks capital improvement projects and land acquisition. (Ch. 663)

**S.B. 1700**, an act to establish the percentage rates for the insurance regulatory charge and the public utility regulatory fee. (Ch. 664)

**S.B. 1378**, an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects, or supplements to capital improvements projects, of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill and to enable the University of North Carolina at Charlotte to set fees at a rate sufficient to finance the student activities center. (Ch. 665)

**H.B. 1998** (Senate Committee Substitute), an act relating to investments of the County of Durham. (Ch. 666)

**H.B. 1951**, an act to allow the Town of Boonville to install sewer lines and to allow Watauga County to repair the Watauga High School Physical Education and Athletic Facilities Project with its own crew and equipment. (Ch. 667)

**H.B. 1535**, an act to exempt Currituck County and the Whalehead Preservation Trust and Currituck Wildlife Museum, Inc., from certain statutory requirements in the renovation of the historic Whalehead Club. (Ch. 668)

**H.B. 2003**, an act to prohibit the taking of deer with dogs in Durham County. (Ch. 669)

**H.B. 203** (Senate Committee Substitute), an act to require that individuals and businesses engaged in the practice of tattooing obtain a permit from the Department of Environment, Health, and Natural Resources. (Ch. 670)

**H.B. 382** (Senate Committee Substitute), an act to amend the statutes regulating professional engineers and land surveyors. (Ch. 671)

**H.B. 27** (Committee Substitute), an act to restrict the transportation of children under the age of twelve in the open bed or open cargo area of a vehicle. (Ch. 672)

**S.B. 945** (House Committee Substitute), an act to permit the use of deadly force against an intruder under certain circumstances and to provide that a lawful occupant does not have a duty to retreat from an intruder, as provided at common law. (Ch. 673)

**S.B. 716** (House Committee Substitute), an act to modify the corporate income tax credit for construction of a cogenerating power plant by (1) providing that a partnership may qualify for the credit, (2) clarifying that a partnership may pass an income tax credit through to its partners, (3) expanding the credit to include natural gas cogenerating power plants, (4) providing an alternative method to calculate the credit, (5) limiting the amount of credit that may be allowed each year effective beginning in 1994, and (6) restricting the credit to natural gas cogenerating power plants effective beginning in 1998. (Ch. 674)

**S.B. 1436** (House Committee Substitute), an act to make technical and clarifying changes to Chapter 576 of the 1993 Session Laws (Regular Session 1994) concerning the two–year moratorium on specified fishing licenses. (Ch. 675)

**S.B. 952** (House Committee Substitute), an act to change the law regarding hospital facilities to offer health care services in branch facilities. (Ch. 676)

**S.B. 1418** (House Committee Substitute), an act to reorganize education reports, to clarify the terms for a scholarship loan under the Principal Fellows Program and to make technical and clarifying changes to the education laws. (Ch. 677)

**S.B. 626** (House Committee Substitute), an act to adopt risk–based capital requirements for life and health insurance companies, to make corrections and technical amendments in the insurance laws, and to amend the scholarship provisions of the Firemen's Relief Fund in the Insurance Code. (Ch. 678)

**S.B. 906** (House Committee Substitute No. 2), an act to make various substantive amendments to the Workers' Compensation Act and to make related changes. (Ch. 679)

**H.B. 1889** (Committee Substitute), an act to restore unemployment benefits to their pre–1983 level, to make participation in reemployment services a condition of receiving certain benefits, and to make technical changes to the employment security laws. (Ch. 680)

**H.B. 1944**, an act to expand the State ports tax credit. (Ch. 681)

**H.B. 1774** (Committee Substitute No. 2), an act to establish the Capitol Preservation Commission, to make the Commission responsible for the care and administration of the North Carolina State Capitol and Union Square, and to establish the Capitol Preservation Fund. (Ch. 682)

**H.B. 1854** (Committee Substitute), an act to provide for certification of window glazing inspectors, to apply the window glazing requirements uniformly, and to otherwise modify the window glazing laws. (Ch. 683)

**S.B. 591** (Committee Substitute), an act to restructure the hunting and fishing license schedule to more clearly define license requirements, to provide for twelve–month hunting and fishing licenses, to establish short–term and season nonresident licenses for hunting game, to provide for a free fishing day, and to provide for four new members of the Wildlife Resources Commission to be appointed by the General Assembly. (Ch. 684)

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**S.B. 1471**
House Committee Substitute

House of Representatives
July 5, 1994

*Mr. President:*

It is ordered that a message be sent requesting the return of House Comm. Sub. for **SB 1471**, A BILL TO BE ENTITLED AND ACT TO PROVIDE AN EXPEDITED PROCEDURE FOR CREATION OF COUNTY WATER AND SEWER DISTRICTS AFTER FAILURE OF LOW–PRESSURE PIPE SEWER SYSTEMS, TO CLARIFY THE POWERS OF COUNTY WATER AND SEWER DISTRICTS, AND CONCERNING THE APPLICATION DATES FOR CLEAN WATER BOND LOANS AND GRANTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE, for further consideration by the House of Representatives.

Respectfully,
S/Denise Weeks
*Principal Clerk*

Senator Sands offers a motion that the House Committee Substitute bill be recalled from the Enrolling Office, which motion prevails with unanimous consent.

The Chair orders a message sent to the Enrolling Clerk requesting the return of the House Committee Substitute bill for further consideration by the Senate.

## CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

**H.B. 1993** (Committee Substitute No. 2), a bill to authorize the City of Washington to negotiate and enter into a long–term contract for municipal services and to annex certain property into that City, to allow the Town of Stanley to negotiate annexation contracts and to annex certain property into that Town, and to set the filing period for candidates for the Beaufort County Board of Education, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll–call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Forrester, Gunter, Harris, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Lucas, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Wednesday, July 6, for further consideration upon third reading.

The President recognizes the following pages serving in the Senate this week: Crystal Beckwith, North Wilkesboro; Ashley Ann Bennett, Fairmont, West Virginia; Aaron N. Berns, Youngsville; Jennifer Broadwell, Fuquay–Varina; Charles Edward Bullard, Burlington; Curtis Lee Byron, Jr., Mebane; Becky Craft, Farmville; Stacey Amanda Cronan, Lowell; Heather d'Ambrosi, Raleigh; Matthew Eugene Daves, Gastonia; Huntington Fitzgerald, Roxboro; Leslee A. Holt, Graham; Kristen E. Laney, Raleigh; April Michelle McClain, Garner; William Matthew Poovey, Gastonia; Kristy Laine Ratchford, Gastonia; Rebecca Ruth Reinhardt, Gastonia; Kerry Smith, Garner; Vanessa Kay Sheets, Buckhannon, West Virginia; Daniel M. Talbert, Jr., Roxboro; Malanie Voliva, Belhaven; Abigail Margaret Williford, Rocky Mount; Brian Wilson, Grimesland; and Paige Young, Rockingham.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 486**

House of Representatives
July 5, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in Senate Amendment #3 for **HB 486**, A BILL TO BE ENTITLED AN ACT TO PLACE RESTRICTIONS ON THE USE OF PERSONAL WATERCRAFT SUCH AS JET SKIS AND WATER BIKES, and requests conferees.

The Speaker has appointed Representative Holt, Representative Brawley, and Representative Stewart on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

On motion of Senator Basnight, seconded by Senator Cochrane, the Senate adjourns at 8:38 P.M. to meet tomorrow, Wednesday, July 6, at 1:30 P.M.

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## ONE HUNDRED THIRTY-SIXTH DAY

SENATE CHAMBER,
Wednesday, July 6, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, sometimes we pray with fear and trembling not only because we pray honestly, but also because we know that our prayers may be answered. And yet, we pray anyway.

"From compromise and things half done keep us with stern and stubborn pride; and when, at last, the fight is won, God, keep us still unsatisfied. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, July 5, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Ward, who is attending the Education Commission of the States Conference; to Senator Edwards, to Senator Seymour, and to Senator Ballantine.

### RETURN FROM ENROLLING

**S.B. 1471** (House Committee Substitute), a bill to provide an expedited procedure for creation of county water and sewer districts after failure of low-pressure pipe sewer systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee, with the order of the Chair on July 5 recalling the measure from the Enrolling Office for further consideration.

The Enrolling Clerk returns the measure to the Senate.

With no further action taken by the Senate, the Chair orders the House Committee Substitute bill enrolled.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 1142** (Senate Committee Substitute), an act to establish the North Carolina Substance Abuse Professionals Certification Act and to make amendments to the laws governing licensed professional counselors. (Ch. 685)

**H.B. 650** (Senate Committee Substitute), an act to amend Article 19 of Chapter 130A of the General Statutes regarding asbestos hazard management and to make certain technical changes to conform with recent federal requirements. (Ch. 686)

**H.B. 1049** (Senate Committee Substitute), an act to amend the law concerning assaults on governmental officers and employees to include company police officers and campus police officers. (Ch. 687)

**H.B. 988** (Senate Committee Substitute No. 2), an act to amend the Licensure Act for speech and language pathologists and audiologists to exempt certain assistant personnel from the licensure requirement if they are registered with the Board by their employer. (Ch. 688)

**H.B. 795** (Senate Committee Substitute), an act to amend the law pertaining to the prohibition of certain solicitations by health care providers. (Ch. 689)

**H.B. 1661**, an act to permit the use of Powell Bill funds for the construction of sidewalks. (Ch. 690)

**H.B. 1552**, an act to extend the expiration date of the exemption for real estate acquired by the Department of Transportation from the requirement that it be appraised by a licensed or certified appraiser when the estimated value of the real estate is less than ten thousand dollars. (Ch. 691)

**H.B. 1082**, an act to give the Board of Pharmacy authority to regulate medical equipment intended for use in an individual's home. (Ch. 692)

**H.B. 1827** (Senate Committee Substitute), an act to provide that the exemption of Beaufort County from certain provisions of law relating to the appointment of commissioners of a public housing authority shall not be applicable to the City of Washington and the Washington Housing Authority. (Ch. 693)

**H.B. 1972** (Senate Committee Substitute), an act to clarify that all data except effluent or emission data is entitled to protection as a trade secret pursuant to G.S. 132–1.2, as recommended by the Environmental Review Commission. (Ch. 694)

**H.B. 1981** (Senate Committee Substitute), an act to authorize the Town of Oriental to levy a room occupancy and tourism development tax. (Ch. 695)

**H.B. 1628** (Committee Substitute), an act to provide an expedited procedure for creation of county water and sewer districts after failure of low–pressure pipe sewer systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee and to give water and sewer authorities the power to adopt ordinances to regulate stormwater and drainage systems. (Ch. 696)

**H.B. 1775**, an act to resolve a conflict in the dealer license plate law concerning the use of dealer license plates on vehicles used by a dealer in a business that is separate from the business of selling motor vehicles, and to provide that a registration card issued for a dealer plate is not required to be specific for that dealer plate. (Ch. 697)

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**H.B. 1794** (Committee Substitute), a bill to incorporate the Town of Sandyfield in Columbus County, referred to the **Local Government and Regional Affairs Committee** on July 1.

The Chair rules the Committee Substitute bill requires a call of the roll.

Pursuant to Rule 47(b), Senator Folger offers a motion that the Committee Substitute bill be taken from the **Local Government and Regional Affairs Committee** and placed before the Senate for immediate consideration upon its passage, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Local Government and Regional Affairs Committee** and places it before the Senate for immediate consideration, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 7, for further consideration upon third reading.

**H.B. 2057** (Committee Substitute No. 2), a bill to provide for surety bonds for small businesses that contract with governmental agencies, referred to the **Finance Committee** on July 1.

Pursuant to Rule 47(b), Senator Winner of Buncombe offers a motion that the Committee Substitute bill No. 2 be taken from the **Finance Committee** and re–referred to the **Insurance Committee**, which motions prevail.

The Chair orders the Committee Substitute bill No. 2 taken from the **Finance Committee** and re–refers it to the **Insurance Committee**.

## REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Carpenter, at the request of Senator Edwards, Chairman, for the **Economic Development/Travel and Tourism Committee:**

**S.J.R. 1711**, a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to provide that Pamlico County may join the Global TransPark Development Zone, with an unfavorable report as to joint resolution, but favorable as to Committee Substitute joint resolution.

On motion of Senator Carpenter, the proposed Committee Substitute joint resolution 5847, which changes the title to read **S.J.R. 1711** (Committee Substitute), a joint resolution authorizing the 1993 General Assembly, Regular Session 1994, to consider a bill to be entitled an act to provide that Pamlico County and New Hanover County

may join the Global TransPark Development Zone, is placed before the Senate for immediate consideration and on his further motion the Committee Substitute joint resolution is adopted.

Pursuant to Rule 43, the Committee Substitute joint resolution is re–referred to the **Rules and Operation of the Senate Committee**.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**S.B. 635**, a bill to exempt the City of Kinston from Article 12, Chapter 160A of the General Statutes in the sale or lease of certain surplus real property to Adkin High School Alumni & Friends, Inc., a North Carolina nonprofit corporation, as amended on the recommendation of the **Local Government and Regional Affairs Committee**, and referred to the **Finance Committee** on April 14, 1993.

Pursuant to Rule 47(b), Senator Winner of Buncombe offers a motion that the bill, as amended, be taken from the **Finance Committee** and re–referred to the **Education/ Higher Education Committee**, which motions prevail.

The Chair orders the bill, as amended, taken from the **Finance Committee** and refers it to the **Education/Higher Education Committee**.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**S.B. 617** (Committee Substitute), a bill to regulate the practice of home inspections, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 617** (House Committee Substitute No. 2), a bill to regulate the use of the title "Licensed Home Inspector" and to require persons who perform home inspections for compensation to be licensed, which is placed on the Calendar for tomorrow, Thursday, July 7.

**S.B. 1650,** a bill to modify the distribution of alcoholic beverage control profits for the Town of Granite Falls, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Thursday, July 7.

**S.B. 1662**, a bill to annex to the Town of Davidson a described area lying within its corporate boundaries, for concurrence in House Amendment No. 1.

Referred to **Insurance Committee**.

**S.B. 1609**, a bill to change the season for taking foxes in Caswell County, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read **S.B. 1609**, a bill to change the season for taking foxes in Caswell and Northampton Counties, which is placed on the Calendar for tomorrow, Thursday, July 7.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives, as follows:

**H.B. 358** House of Representatives
(Senate Committee Substitute) July 5, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees for Senate Committee Substitute to **H.B. 358**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE CHILD FATALITY TASK FORCE TO ENCOURAGE PROSECUTORIAL CHILD PROTECTION INITIATIVES AND TO MODIFY THE CONDITIONS FOR BAIL AND PRETRIAL RELEASE FOR PERSONS ACCUSED OF SEX OFFENSES AND CRIMES OF VIOLENCE AGAINST CHILD VICTIMS, and we have ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 613** House of Representatives
(Senate Committee Substitute) July 5, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for **H.B. 613**, A BILL TO BE ENTITLED AN ACT TO ALLOW HEALTH CARE FACILITIES TO FURNISH PUBLIC HEALTH AUTHORITIES WITH PATIENT RECORDS UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE QUALIFIED IMMUNITY FOR PERSONS WHO ASSIST IN EVALUATING THE RISKS OF TRANSMISSION BY HEALTH CARE WORKERS OF HIV OR HEPATITIS B TO PATIENTS, and we have ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 644** House of Representatives
(Senate Committee Substitute) July 6, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in Senate Committee Substitute with two unengrossed Senate Amendments for **H.B. 644**, A BILL TO BE ENTITLED AN ACT TO AMEND THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 TO MAKE IT MORE EFFECTIVE, and requests conferees. The Speaker has appointed Representative Colton, Representative Gottovi, Representative Culp, Representative Hackney, and Representative Fussell on the part of the House to confer with a like

committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 1776** House of Representatives
(Senate Committee Substitute) July 5, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in Senate Committee Substitute with unengrossed Senate Amendment for **HB 1776**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE VOTER REGISTRATION LAWS OF NORTH CAROLINA, and requests conferees. The Speaker has appointed Representative Michaux, Representative Lemmond, Representative Holt, and Representative Luebke on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

**H.B. 1993** (Committee Substitute No. 2), a bill to authorize the City of Washington to negotiate and enter into a long–term contract for municipal services and to annex certain property into that City, to allow the Town of Stanley to negotiate annexation contracts and to annex certain property into that Town, and to set the filing period for candidates for the Beaufort County Board of Education, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll–call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**S.B. 1662**, a bill to annex to the Town of Davidson a described area lying within its corporate boundaries, received from the House of Representatives for concurrence and referred to the **Insurance Committee** earlier today.

Pursuant to Rule 47(b), Senator Parnell offers a motion that the bill be taken from the **Insurance Committee** and placed on the Calendar tomorrow, Thursday, July 7, upon concurrence, which motions prevail.

The Chair orders the bill taken from the **Insurance Committee** and orders it placed on the Calendar for tomorrow, Thursday, July 7, for concurrence in House Amendment No. 1.

## REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (*see Appendix*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to S.B. 150, Section 30, ratified March 26, 1994, the North Carolina Department of Human Resources submits its Support Our Students Program Report.

On motion of Senator Basnight, seconded by Senator Walker, the Senate adjourns at 2:11 P.M. to meet tomorrow, Thursday, July 7, at 1:30 P.M.

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# ONE HUNDRED THIRTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, July 7, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our God, let us never separate this quiet moment of communication with You from the rest of our day's activities. For we are always praying when we are doing our duty and turning it into work for You.

"We should regard as spiritual moments our professional work; our social engagements; friendly visits; kind actions; small courtesies.

"So long as we link all these by intention with You, O Lord, we will be praying all the day long. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, July 6, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Ballantine, to Senator Seymour, to Senator Soles, and to Senator Ward.

Pursuant to the motion prevailing on Tuesday, June 28, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 740** (Senate Committee Substitute), an act to designate a relative of a nursing home patient and a relative of a rest home patient as public members of the Nursing Home Penalty Review Committee. (Ch. 698)

**S.B. 1362**, an act to make it unlawful to remove or destroy electronic collars on dogs in Haywood, Jackson, Swain, Macon, Henderson, and Transylvania Counties. (Ch. 699)

**S.B. 1409**, an act to remove the sunset on an act to permit the County of Cabarrus to condemn certain property of private condemnors. (Ch. 700)

**S.B. 1465**, an act to shorten the season for taking rabbits in Johnston County. (Ch. 701)

**S.B. 1623**, an act to change the audits of ABC profits of the Hamlet Board of Alcoholic Control from quarterly to annually. (Ch. 702)

**S.B. 1644,** an act to increase the term of office for the Mayor of Salemburg from two to four years. (Ch. 703)

**S.B. 1660,** an act to make a change in the funding formula for Guilford County schools provided by the merger act. (Ch. 704)

**S.B. 1665**, an act to exempt Surry County from certain statutory requirements in the construction of facilities at the Surry County landfill. (Ch. 705)

**S.B. 1667** (Committee Substitute), an act authorizing Union and Columbus Counties to establish a tourism board for the promotion of travel and tourism within the county. (Ch. 706)

**S.B. 1668**, an act to prohibit hunting and discharging firearms from public roads and highways in Union County. (Ch. 707)

**S.B. 1670**, an act to delete the city residency requirement for members of the Civil Service Board of the City of Charlotte. (Ch. 708)

**S.B. 1671**, an act to allow the County of Mecklenburg to waive bid bonds on public contracts. (Ch. 709)

**S.B. 1675** (Committee Substitute), an act to modify the distribution of the profits from the alcoholic beverage control system in the Town of Norwood. (Ch. 710)

**S.B. 1681**, an act to allow the Goldsboro–Wayne Airport Authority to lease property to the City of Goldsboro, Wayne County, or Wayne Community College under general law. (Ch. 711)

**S.B. 1684**, an act to authorize the Mecklenburg County Manager and the Charlotte City Manager to award contracts for the purpose of purchasing apparatus, supplies, materials, or equipment regardless of the amount, and for construction projects under a certain amount, provided there are sufficient appropriated unencumbered funds. (Ch. 712)

**H.B. 1993** (Committee Substitute No. 2), an act to authorize the City of Washington to negotiate and enter into a long–term contract for municipal services and to annex certain property into that City, to allow the Town of Stanley to negotiate annexation contracts and to annex certain property into that Town, and to set the filing period for candidates for the Beaufort County Board of Education. (Ch. 713)

**S.B. 1471** (House Committee Substitute), an act to provide an expedited procedure for creation of county water and sewer districts after failure of low–pressure pipe sewer

systems, to clarify the powers of county water and sewer districts, and concerning the application dates for clean water bond loans and grants, as recommended by the Joint Legislative Utility Review Committee. (Ch. 714)

**H.B. 613** (Senate Committee Substitute), an act to allow health care facilities to furnish public health authorities with patient records under certain circumstances. (Ch. 715)

**S.B. 854**, an act to permit the issuance and purchasing of group health insurance coverage for public school students. (Ch. 716)

**S.B. 1437**, an act to extend time for the resolution of claims to land under navigable waters. (Ch. 717)

## REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

**S.B. 635**, a bill to exempt the City of Kinston from Article 12, Chapter 160A of the General Statutes in the sale or lease of certain surplus real property to Adkin High School Alumni and Friends, Inc., a North Carolina nonprofit corporation, as amended by the **Local Government and Regional Affairs Committee**, with an unfavorable report as to bill, as amended, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill X8569, which changes the title to read **S.B. 635** (Committee Substitute), a bill to provide that New Hanover and Pamlico Counties may join the Global TransPark Development Zone, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee**.

Senator Winner of Buncombe immediately arises, pursuant to Rule 47(b), and offers a motion that the Committee Substitute bill be taken from the **Finance Committee** and placed on the Calendar for Monday, July 11, which motions prevail.

The Chair recalls the Committee Substitute bill from the **Finance Committee** and orders it placed on the Calendar for Monday, July 11.

## REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Folger for the **Local Government and Regional Affairs Committee**:

**H.B. 1878** (Committee Substitute), a bill to enable the County of Avery to establish an airport authority for the maintenance of airport facilities in the County, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee**.

**H.B. 2039**, a bill to make a technical correction in a local act concerning a deannexation from the City of Burlington, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

**H.B. 2037**, a bill amending the Charter of the Town of Green Level in Alamance County to authorize enactment of a property maintenance ordinance and the assessment of certain costs of enforcement as a lien against the property, with a favorable report.

**H.B. 2009**, a bill to exempt the City of Asheboro from certain zoning notice requirements, with a favorable report.

**H.B. 1988**, a bill to incorporate the Town of Neuse Forest, subject to a referendum, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the bill, as amended, re–referred to the **Finance Committee.**

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**H.B. 1794** (Committee Substitute), a bill to incorporate the Town of Sandyfield in Columbus County, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**S.B. 1662**, a bill to annex to the Town of Davidson a described area lying within its corporate boundaries, for concurrence in House Amendment No. 1, upon second reading.

The Senate fails to concur in House Amendment No. 1 (0–43).

Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Odom (Chairman), Folger, and Blackmon as conferees on the part of the Senate to resolve the difference arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

**S.B. 1609**, a bill to change the season for taking foxes in Caswell County, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (43–1), which changes the title, and the bill is ordered enrolled.

## APPOINTMENT OF CONFERENCE COMMITTEE

**H.B. 644** (Committee Substitute No. 2), a bill to amend the Sedimentation Pollution Control Act of 1973 to make it more effective, returned to the House of Representatives for concurrence in **H.B. 644** (Senate Committee Substitute), a bill to amend the Sedimentation Pollution Control Act of 1973 to make it more effective and to provide that certain actions taken prior to 1 July 1993 relating to development qualify as existing development and to redefine the definition of 'public water system' for purposes of the North Carolina Drinking Water Act, which proposes to change the title.

Pursuant to the message from the House of Representatives received Wednesday, July 6, requesting conferees, Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Tally (Chairman), Shaw, Kaplan, and Daniel as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## CALENDAR (Continued)

**S.B. 1650,** a bill to modify the distribution of alcoholic beverage control profits for the Town of Granite Falls, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (44–0) and the bill is ordered enrolled.

**S.B. 617** (House Committee Substitute No. 2), a bill to regulate the use of the title "Licensed Home Inspector" and to require persons who perform home inspections for compensation to be licensed, upon concurrence, upon second reading.

Senator Sands rises to a point of order as to the measure requiring a call of the roll.

The Chair rules the House Committee Substitute bill No. 2 does not require a call of the roll.

The Senate concurs in the House Committee Substitute bill No. 2 (45–0), which changes the title, and the measure is ordered enrolled.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**H.B. 13,** a bill to raise the force account limit for the City of Mooresville, referred to the **Rules and Operation of the Senate Committee** on June 21, 1993.

Pursuant to Rule 47(b), Senator Sands offers a motion that the bill be recalled from the **Rules and Operation of the Senate Committee** and re–referred to the **Local Government and Regional Affairs Committee**, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and refers it to the **Local Government and Regional Affairs Committee.**

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**S.B. 1084** (House Committee Substitute), a bill to make substantive and technical changes and improvements in the laws regulating service agreements, for concurrence in the House Committee Substitute bill.

Recommitted to **Insurance Committee.**

**S.B. 1146** (Committee Substitute), a bill to increase the State privilege license tax for itinerant merchants and specialty market operators and to modify the privilege license tax requirements for flea market vendors and peddlers, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1146** (House Committee Substitute), a bill to establish that failure to provide or providing false information by itinerant merchants on their source of merchandise shall constitute a Class 3 misdemeanor, and to authorize impoundment of merchandise in specified circumstances.

On motion of Senator Sherron, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Chair rules the measure does not require a call of the roll.

The Senate concurs in the House Committee Substitute bill (45–0), which changes the title, and the measure is ordered enrolled.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**S.B. 1084** (House Committee Substitute), a bill to make substantive and technical changes and improvements in the laws regulating service agreements, received from the House of Representatives for concurrence and referred to the **Insurance Committee** earlier today.

With unanimous consent, pursuant to Rule 47(b), Senator Parnell offers a motion that the rules be suspended and the House Committee Substitute bill be taken from the **Insurance Committee** and placed before the Senate for immediate consideration, upon concurrence, which motions prevail.

The Chair orders the House Committee Substitute bill taken from the **Insurance Committee** and places it before the Senate for immediate consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill (44–0) and the measure is ordered enrolled.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 1936** House of Representatives
(Senate Committee Substitute) July 6, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in Senate Committee Substitute with one unengrossed Senate Amendment for **HB 1936**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO VARIOUS CRIMINAL STATUTES, TO REPEAL VARIOUS CRIMINAL LAWS THAT ARE OBSOLETE OR REDUNDANT, AND TO EXTEND THE SUNSET FOR THE METHOD OF SELECTING MEMBERS OF THE NORTH

CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION APPOINTED BY THE NORTH CAROLINA SHERIFFS' ASSOCIATION, and requests conferees. The Speaker has appointed Representative Barnes, Representative Hensley, Representative Cromer, and Representative Robinson on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Ballance (Chairman), Parnell, Harris, and Daniel as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

With no further business to come before the Senate, the Chair declares the Senate in recess at 2:20 P.M. for the purpose of committee meetings to reconvene at 2:30 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**S.B. 1517** (Committee Substitute), a bill to authorize the Commission for Health Services to adopt rules to minimize the risk of injury to children who use public swimming pools, for concurrence in House Amendment No. 1.

Hearing no motion, with unanimous consent, the Chair orders the Committee Substitute bill temporarily displaced.

The Chair declares the Senate in recess at 2:41 P.M. for the purpose of further committee meetings to reconvene at 2:45 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

**S.B. 1517** (Committee Substitute), a bill to authorize the Commission for Health Services to adopt rules to minimize the risk of injury to children who use public swimming pools, received from the House of Representatives for concurrence in House Amendment No. 1 and temporarily displaced earlier.

With unanimous consent, on motion of Senator Gunter, the rules are suspended and the Committee Substitute bill is placed before the Senate for consideration, upon concurrence.

The Senate concurs in House Amendment No. 1 (39–0) and the Committee Substitute bill is ordered enrolled.

With no further business to come before the Senate, the Chair declares the Senate in recess at 2:58 P.M. to reconvene at 4:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**S.B. 883** (Committee Substitute No. 2), a bill to create the North Carolina Professional Teaching Standards Board, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 883** (House Committee Substitute), a bill to create the North Carolina Professional Teaching Standards Commission.

Recommitted to **Education/Higher Education Committee**.

**S.B. 1712**, a bill to conform North Carolina laws regarding the establishment of child paternity to certain federal law requirements by amending the North Carolina laws of evidence relating to the manner of contesting blood or genetic marker tests in the trial of civil actions in which the question of parentage arises; by providing for the entry of judgment by default in paternity actions when the defendant fails to file answer; and, by giving full faith and credit to out–of–State paternity determinations regardless of method of establishment, for concurrence in House Amendment No. 1.

On motion of Senator Winner of Mecklenburg, the rules are suspended without objection, and the bill is placed before the Senate for immediate consideration upon concurrence and subsequently, without objection, the Chair orders the bill temporarily displaced.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**S.B. 1072**, an act to allow State emergency management vehicles to be equipped with red lights and sirens. (Ch. 719)

**S.B. 1719**, an act to make technical changes in G.S. 58–57–100 to further define automobile physical damage insurance and to make a conforming change. (Ch. 720)

**H.B. 1565** (Senate Committee Substitute), an act to exempt Bladen County from the requirements of Article 12 of Chapter 160A of the General Statutes as to the sale or lease of certain property and to exempt physicians serving on the board of directors of a public hospital in Bladen County from G.S. 14–234, which provides that the director

of a public trust shall not enter into a contract with the public trust except under certain circumstances. (Ch. 721)

**H.B. 1973** (Senate Committee Substitute), an act to provide standards for use by local governments in the review of applications for permits or for substantial amendments to permits for sanitary landfills in order to ensure that local government review of permit applications meets constitutional requirements, as recommended by the Environmental Review Commission. (Ch. 722)

**H.B. 358** (Senate Committee Substitute), an act to implement recommendations of the Child Fatality Task Force to encourage prosecutorial child protection initiatives and to clarify that judicial officials may set certain conditions for bail and pretrial release for persons accused of sex offenses and crimes of violence against child victims. (Ch. 723)

With unanimous consent, the Chair declares the Senate in recess at 4:16 P.M. to reconvene at 4:30 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

The Chair extends courtesies of the floor to Henson P. Barnes, former Senator from Wayne County and former President *Pro Tempore* of the Senate.

## CALENDAR (Continued)

**S.B. 1712**, a bill to conform North Carolina laws regarding the establishment of child paternity to certain federal law requirements by amending the North Carolina laws of evidence relating to the manner of contesting blood or genetic marker tests in the trial of civil actions in which the question of parentage arises; by providing for the entry of judgment by default in paternity actions when the defendant fails to file answer; and, by giving full faith and credit to out–of–State paternity determinations regardless of method of establishment, upon concurrence in House Amendment No. 1, temporarily displaced earlier.

The Senate concurs in House Amendment No. 1 (31–1) and the measure is ordered enrolled.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**H.B. 834** (Committee Substitute), a bill to authorize the expenditure of funds for Teacher Academy Programs in July of 1994.

On motion of Senator Basnight, without objection, the Committee Substitute bill is placed before the Senate for immediate consideration upon its passage.

The Committee Substitute bill passes its second (32–1) and third readings and is ordered enrolled.

## ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

**H.B. 834** (Committee Substitute), an act to authorize the expenditure of funds for Teacher Academy Programs in July of 1994. (Ch. 718)

On motion of Senator Basnight, seconded by Senator Tally, the Senate adjourns at 4:49 P.M. to meet Monday, July 11, at 8:00 P.M.

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# ONE HUNDRED THIRTY-EIGHTH DAY

SENATE CHAMBER,
Monday, July 11, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, The one–liners we learned as children sometimes come back to haunt or instruct us.

"'Anything good is worth waiting for,' our parents taught.

"You have heard of the patience of Job 'Patience produces character and character produces hope,' the Holy Scripture reminds us in two separate passages.

"Patience in our fast–paced society is a precious and rare commodity. As the Senate begins this week's activities, we pray that an abundant measure of patience and hope will permeate their activities and quicken their spirits.

"After all, – 'anything good is worth waiting for.' To Your Glory we pray, Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, July 7, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Gulley, due to personal reasons; and to Senator Cooper, to Senator Walker, to Senator Seymour, to Senator Folger, and to Senator Edwards.

Pursuant to the motion prevailing on Tuesday, June 28, all bills and resolutions sent to the House of Representatives are ordered sent by special messenger.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**S.B. 20** (Committee Substitute), a bill to amend the statutes relating to the electoral college to conform them to federal requirements and State law, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Tuesday, July 12.

**S.B. 31**, a bill to require that the Department of Human Resources study the issue of reimbursement for domiciliary care homes and recommend a specific method for rate setting, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 31** (House Committee Substitute), a bill to require that the Secretary of the Department of Human Resources report on assisted living to the North Carolina Health Planning Commission established by Chapter 529 of the 1993 Session Laws and to the North Carolina Study Commission on Aging.

Referred to **Rules and Operation of the Senate Committee**.

**S.B. 605** (Committee Substitute), a bill to establish a funding formula and a selection process for the inclusion of works of art in State buildings and to exempt from sales tax sales to State agencies of works of art for State buildings, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 605** (House Committee Substitute), a bill to exempt works of art for State buildings from State and local sales taxes.

Recommitted to **Finance Committee.**

**S.B. 871** (Committee Substitute), a bill to authorize cities and towns to levy a privilege license tax on contractors engaged in the business of making improvements to buildings and structures and to increase the collectibility of municipal privilege license taxes, for concurrence in the House Committee Substitute bill, which changes the bill from a public bill to a local bill, and changes the title, upon concurrence, to read **S.B. 871** (House Committee Substitute), a bill to clarify the penalties and remedies that apply to municipal privilege license taxes imposed by cities in certain counties, to clarify the kind of information a city or town may request an applicant for a municipal privilege license from these cities to provide, to provide that no more than one city in certain counties may impose a privilege tax on the same business, and to increase compliance with municipal privilege license taxes imposed by these cities.

Referred to **Rules and Operation of the Senate Committee**.

**S.B. 1249** (House Committee Substitute), a bill to make changes concerning the Board of Electrolysis Examiners, for concurrence in the House Committee Substitute bill.

Recommitted to **Children and Human Resources Committee.**

**S.B. 1469**, a bill to exempt from registration and the motor fuel tax vehicles registered in another state and operated temporarily in this State by a utility provider or its contractor for the purpose of restoration of utility services in an emergency outage as recommended by the Joint Legislative Utility Review Committee, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1469** (House Committee Substitute), a bill to exempt from registration and the motor fuel tax vehicles registered in another state and operated temporarily in this State by a utility provider or its contractor for the purpose of restoration of utility services in an emergency outage as recommended by the Joint Legislative Utility Review Committee, and to grant authority to the Chairman of the Public Utilities Commission to appoint panels of five commissioners to hear certain matters.

Referred to **Rules and Operation of the Senate Committee**.

**S.B. 1630** (Committee Substitute), a bill to make technical corrections and to make clarifying and conforming changes to various criminal statutes, and to repeal various criminal laws that are obsolete or redundant for concurrence in the House Committee

Substitute bill, which changes the title, upon concurrence, to read **S.B. 1630** (House Committee Substitute), a bill to make technical corrections and to make clarifying and conforming changes to various criminal statutes, to repeal various criminal laws that are obsolete or redundant, and to extend the sunset for the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association.

Recommitted to **Judiciary I Committee**.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**S.B. 617** (House Committee Substitute No. 2), an act to regulate the use of the title "Licensed Home Inspector" and to require persons who perform home inspections for compensation to be licensed. (Ch. 724)

**S.B. 1425**, an act to extend the expiration of the requirement that just compensation be paid for the removal by local authorities of billboards on interstate and federal–aid primary highways, as required by federal law. (Ch. 725)

**S.B. 1473** (Committee Substitute), an act to address motor fuel tax evasion. (Ch. 726)

**S.B. 1609**, an act to change the season for taking foxes in Caswell and Northampton Counties. (Ch. 727)

**S.B. 1650,** an act to modify the distribution of alcoholic beverage control profits for the Town of Granite Falls. (Ch. 728)

**H.B. 1794** (Committee Substitute), an act to incorporate the Town of Sandyfield in Columbus County. (Ch. 729)

**S.B. 1084** (House Committee Substitute), an act to make substantive and technical changes and improvements in the laws regulating service agreements. (Ch. 730)

**S.B. 1146** (House Committee Substitute), an act to establish that failure to provide or providing false information by itinerant merchants on their source of merchandise shall constitute a Class 3 misdemeanor, and to authorize impoundment of merchandise in specified circumstances. (Ch. 731)

**S.B. 1517** (Committee Substitute), an act to authorize the Commission for Health Services to adopt rules to minimize the risk of injury to children who use public swimming pools. (Ch. 732)

**S.B. 1712**, an act to conform North Carolina laws regarding the establishment of child paternity to certain federal law requirements by amending the North Carolina laws of evidence relating to the manner of contesting blood or genetic marker tests in the trial of civil actions in which the question of parentage arises; by providing for the entry of judgment by default in paternity actions when the defendant fails to file answer; and, by giving full faith and credit to out–of–State paternity determinations regardless of method of establishment. (Ch. 733)

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**H.B. 2037**, a bill amending the Charter of the Town of Green Level in Alamance County to authorize enactment of a property maintenance ordinance and the assessment of certain costs of enforcement as a lien against the property, upon second reading.

The bill passes its second reading by roll–call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Daniel, Forrester, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, July 12, for further consideration upon third reading.

**S.B. 635** (Committee Substitute), a bill to provide that New Hanover and Pamlico Counties may join the Global TransPark Development Zone, upon second reading

The Chair rules the Committee Substitute bill requires a call of the roll.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Blackmon, Carpenter, Cochrane, Conder, Daniel, Forrester, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, July 12, for further consideration upon third reading.

**H.B. 2009**, a bill to exempt the City of Asheboro from certain zoning notice requirements.

The bill passes its second (40–2) and third readings and is ordered enrolled.

The President recognizes the following pages serving in the Senate this week: John Garrett Ball, Lenoir; John Austin Barnhill, Tarboro; Jamie Lynn Barnhill, Tarboro; Katharine Beyer, Morganton; William Neal Davis, Tarboro; Quinerly Dees, Greenville; Shelley Harris Futrell, Bethel; Candina Green, Kinston; Casey Lynn James, Bethel; Eliza Clark Jenkins, Tarboro; Ena McBryde, Kinston; Lucy Miller, Bethel; Christy Diane Mozingo, Mount Olive; Chrystal Renee Page, Elon College; Lindsay Peeler, New Bern; John Kristoffer Rasmussen, Durham; Jennifer C. Richardson, New Bern; Vimal Vyas, Cary; Jennifer Warshawsky, Gastonia; and David M. Wilson, Matthews.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

**H.B. 1984** House of Representatives
(Committee Substitute) July 11, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Committee Substitute for **HB 1984**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FRANKLIN AND COLUMBUS COUNTIES FROM CERTAIN STATUTORY REQUIREMENTS IN CERTAIN CONSTRUCTION CONTRACTS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 822** House of Representatives
(Senate Committee Substitute) July 11, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in Senate Committee Substitute with one unengrossed Senate Amendment for **HB 822**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING COMPUTER-RELATED CRIME, the Speaker has appointed as conferees on the part of the House, Representative Hensley, Representative Hackney, Representative Gray, Representative Flaherty, Representative Barnes, and Representative B. Miller to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

On motion of Senator Basnight, seconded by Senator Daniel, the Senate adjourns at 8:37 P.M. to meet tomorrow, Tuesday, July 12, at 1:30 P.M.

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# ONE HUNDRED THIRTY-NINTH DAY

SENATE CHAMBER,
Tuesday, July 12, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, Robert Frost made famous the line 'Good fences make good neighbors.' Sometimes we build our fences without gates or too high to see over.

"Fortunately there are two words that offer a way out, 'Help me.' It's not always easy to say them; we have our pride after all, and we're not sure there's anybody we trust enough to say them to but they're worth saying to a friend, a stranger, and to You, O Lord.

"The words 'help me' lower the height of our fences or construct a gate where there was none. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Monday, July 11, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Pursuant to the motion prevailing on Tuesday, June 28, all bills and resolutions sent to the House of Representatives are ordered sent by special messenger.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**S.B. 764**, an act to remove the deadline on applications for refunds from the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System for cooperative agricultural extension service employees. (Ch. 734)

**S.B. 1707**, an act to amend the setoff debt collection act to require State agencies to submit certain debts for collection by setoff against the debtors' State income tax refunds. (Ch. 735)

**H.B. 1983**, an act to require the Department of Transportation to pay the nonbetterment costs of moving utilities owned by rural water systems operated by counties as enterprise systems in connection with highway projects and to clarify that boards of county commissioners may establish staggered terms and four year terms for election of sanitary district board members at any time. (Ch. 736)

**H.B. 2009**, an act to exempt the City of Asheboro from certain zoning notice requirements. (Ch. 737)

## REPORTS OF COMMITTEE

A bill is reported from a select committee, read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Parnell for the **Insurance Committee**:

**H.B. 2057** (Committee Substitute No. 2), a bill to provide for surety bonds for small businesses that contract with governmental agencies, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Senate Committee Substitute bill 4346 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Parnell, the Senate Committee Substitute bill is recommitted to the **Finance Committee.**

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**S.B. 31** (House Committee Substitute), a bill to require that the Secretary of the Department of Human Resources report on assisted living to the North Carolina Health Planning Commission established by Chapter 529 of the 1993 Session Laws and to the North Carolina Study Commission on Aging, referred to the **Rules and Operation of the Senate Committee** on July 11.

Pursuant to Rule 47(b), Senator Sands offers a motion that the House Committee Substitute bill be taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Wednesday, July 13, upon concurrence, which motions prevail.

The Chair orders the House Committee Substitute bill taken from the **Rules and Operation of the Senate Committee** and places the measure on the Calendar for tomorrow, Wednesday, July 13, for concurrence in the House Committee Substitute bill.

**S.B. 871** (House Committee Substitute), a bill to clarify the penalties and remedies that apply to municipal privilege license taxes imposed by cities in certain counties, to clarify the kind of information a city or town may request an applicant for a municipal privilege license from these cities to provide, to provide that no more than one city in certain counties may impose a privilege tax on the same business, and to increase compliance with municipal privilege license taxes imposed by these cities, referred to **Rules and Operation of the Senate Committee** on July 11.

Pursuant to Rule 47(b), Senator Sands offers a motion that the House Committee Substitute bill be taken from the **Rules and Operation of the Senate Committee**, and placed at the end of today's Calendar, upon concurrence, which motions prevail.

The Chair orders the House Committee Substitute bill taken from the **Rules and Operation of the Senate Committee** and places the measure at the end of today's Calendar for concurrence in the House Committee Substitute bill.

**S.B. 605** (House Committee Substitute), a bill to exempt works of art for State buildings from State and local sales taxes, referred to **Finance Committee** on July 11.

Pursuant to Rule 47(b), Senator Winner of Buncombe, offers a motion that the House Committee Substitute bill be taken from the **Finance Committee** and placed at the end of today's Calendar, upon concurrence, which motions prevail.

The Chair orders the House Committee Substitute bill taken from the **Finance Committee** and places the measure at the end of today's Calendar for concurrence in the House Committee Substitute bill.

**S.B. 883** (House Committee Substitute), a bill to create the North Carolina Professional Teaching Standards Commission referred to **Education/Higher Education Committee** on July 7.

Pursuant to Rule 47(b), Senator Perdue offers a motion that the House Committee Substitute bill be taken from the **Education/Higher Education Committee** and placed at the end of today's Calendar, upon concurrence, which motions prevail.

The Chair orders the House Committee Substitute bill taken from the **Education/Higher Education Committee** and places the measure at the end of today's Calendar for concurrence in the House Committee Substitute bill.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**S.B. 1467** (House Committee Substitute), a bill to strengthen the requirements to have a child in a restraint system while operating a motor vehicle, for concurrence in the House Committee Substitute bill.

On motion of Senator Martin of Guilford, without objection, the House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 13, upon concurrence in the House Committee Substitute bill.

**H.B. 2132**, a bill to authorize the Department of Transportation to lease a certain designated part of the right–of–way of N.C. 147 to the City of Durham for parking purposes.

Referred to **Rules and Operation of the Senate Committee.**

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 1725**
(Senate Committee Substitute)

House of Representatives
July 11, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in Senate Committee Substitute to **HB 1725**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO IMPROVE THE ADMINISTRATION OF THE SOFT DRINK EXCISE TAX, AND TO EXTEND THE SUNSET OF A TAX CREDIT, TO AMEND THE LAW REGARDING APPLICATION FOR CERTIFICATION AS A CLINICAL SOCIAL WORKER, TO RESTORE THE SOFT DRINK TAX EXEMPTION FOR NATURAL JUICE WITH NO ADDITIVES OTHER THAN VITAMINS, MINERALS, OR SUGAR, AND TO MAKE THE EFFECTIVE DATE OF CHANGES MADE DURING THE 1993 SESSION TO THE CONSUMER CREDIT SALE LAWS RETROACTIVE, the Speaker has appointed as conferees on the part of the House, Representative Hackney, Representative G. Miller, Representative Jarrell, Representative Tallent, Representative Braswell, Representative Brawley, Representative Michaux, Representative Cromer, and Representative Cunningham to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Senator Winner of Buncombe offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Winner of Buncombe, Cooper, Hoyle, Kerr, and Forrester as conferees on the part of the Senate to resolve the differences

arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 1843** House of Representatives
(Committee Substitute) July 11, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in Senate Amendment for Committee Substitute to **HB 1843**, A BILL TO BE ENTITLED AN ACT TO CONFORM THE VEHICLE EMISSIONS INSPECTION PROGRAM TO THE REQUIREMENTS OF FEDERAL LAW AND TO MAKE TECHNICAL CHANGES IN THE VEHICLE INSPECTION LAWS, the Speaker has appointed as conferees on the part of the House, Representative McLaughlin, Representative R. Hunter, Representative Bowen, Representative Barbee, and Representative McAllister to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Senator Lee offers a motion that the Senate do appoint conferees, which motion prevail.

The President *Pro Tempore* appoints Senators Lee (Chairman), Smith, Hoyle, and Speed as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**S.B. 1249** (House Committee Substitute), a bill to make changes concerning the Board of Electrolysis Examiners, referred to **Children and Human Resources Committee** on July 11.

Pursuant to Rule 47(b), Senator Walker offers a motion that the House Committee Substitute bill be taken from the **Children and Human Resources Committee** and placed at the end of today's Calendar, upon concurrence, which motions prevail.

The Chair orders the measure taken from the **Children and Human Resources Committee** and orders it placed at the end of today's Calendar for concurrence in the House Committee Substitute bill.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 635** (Committee Substitute), a bill to provide that New Hanover and Pamlico Counties may join the Global TransPark Development Zone, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special messenger.

**H.B. 2037**, a bill amending the Charter of the Town of Green Level in Alamance County to authorize enactment of a property maintenance ordinance and the assessment of certain costs of enforcement as a lien against the property, upon third reading.

The bill passes its third reading by roll–call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The bill is ordered enrolled.

**S.B. 20** (Committee Substitute), a bill to amend the statutes relating to the electoral college to conform them to federal requirements and State law, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (48–0) and the measure is ordered enrolled.

**S.B. 871** (House Committee Substitute), a bill to clarify the penalties and remedies that apply to municipal privilege license taxes imposed by cities in certain counties, to clarify the kind of information a city or town may request an applicant for a municipal privilege license from these cities to provide, to provide that no more than one city in certain counties may impose a privilege tax on the same business, and to increase compliance with municipal privilege license taxes imposed by these cities, placed earlier at the end of today's Calendar, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill by roll–call vote, ayes 0, noes 49, as follows:

Voting in the affirmative: None.

Voting in the negative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—49.

The House Committee Substitute bill lies upon the table.

**S.B. 605** (House Committee Substitute), a bill to exempt works of art for State buildings from State and local sales taxes, placed earlier at the end of today's Calendar, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48–0) which changes the title, and the measure is ordered enrolled.

**S.B. 883** (House Committee Substitute), a bill to create the North Carolina Professional Teaching Standards Commission, placed earlier at the end of today's Calendar, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48–0) which changes the title, and the measure is ordered enrolled.

## APPOINTMENT OF CONFERENCE COMMITTEE

**H.B. 486**, a bill to place restrictions on the use of personal watercraft such as jet skis and water bikes, with the House of Representatives failing to concur in Senate Amendment No. 3.

Pursuant to the message from the House of Representatives received July 5 requesting conferees, Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

Courtesies of the floor are extended to Howard Chapin, former Member of the House of Representatives from Beaufort County.

## CALENDAR (Continued)

**S.B. 1249** (House Committee Substitute), a bill to make changes concerning the Board of Electrolysis Examiners placed earlier at the end of today's Calendar, for concurrence in the House Committee Substitute bill

The Senate fails to concur in the House Committee Substitute bill (0–50).

Senator Marshall offers a motion that the Senate do appoint conferees, which motion prevails. The President *Pro Tempore* takes the appointment of conferees under advisement.

## APPOINTMENT OF CONFERENCE COMMITTEE

**S.B. 871** (House Committee Substitute), a bill to clarify the penalties and remedies that apply to municipal privilege license taxes imposed by cities in certain counties, to clarify the kind of information a city or town may request an applicant for a municipal privilege license from these cities to provide, to provide that no more than one city in certain counties may impose a privilege tax on the same business, and to increase compliance with municipal privilege license taxes imposed by these cities, with the Senate failing to concur in the House Committee Substitute bill earlier today.

Senator Odom offers a motion that the Senate do appoint conferees which motion prevails.

The President *Pro Tempore* appoints Senators Odom (Chairman), Hoyle, Ballance, and Richardson as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

**H.B. 486**, a bill to place restrictions on the use of personal watercraft such as jet skis and water bikes, and to restrict certain activities in waters surrounding electric generating facilities, with the motion of Senator Sands prevailing earlier today that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Ballance (Chairman), Albertson, Daniel, and Ballantine as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body on such action and requesting conferees.

**S.B. 1249** (House Committee Substitute), a bill to make changes concerning the Board of Electrolysis Examiners, with the motion of Senator Marshall prevailing earlier today that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Marshall, Ballance, and Blackmon as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body on such action and requesting conferees.

**H.B. 822** (Senate Committee Substitute), a bill to amend the laws regarding computer–related crime.

Pursuant to the message from the House of Representatives received July 11 requesting conferees, Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Winner of Buncombe (Chairman), Hartsell, Ballance, and Marshall as conferees on the part of the Senate to act with a like committee from the House of Representative to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body on such action and requesting conferees.

## CONFERENCE REPORT

**H.B. 1725** (Senate Committee Substitute)

Senator Winner of Buncombe, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1725** (Committee Substitute), a bill to make technical and clarifying changes to the revenue laws and related statutes, to improve the administration of the soft drink excise tax, and to extend the sunset of a tax credit and **H.B. 1725** (Senate Committee Substitute), a bill to make technical and clarifying changes to the revenue laws and related statutes, to improve the administration of the soft drink excise tax, and to extend the sunset of a tax credit, to amend the law regarding application for certification as a clinical social worker, to restore the soft drink tax exemption for natural juice with no additives other than vitamins, minerals, or sugar, and to make the effective date of changes made during the 1993 Session to the consumer credit sale laws retroactive which proposes to change the title submits the following report:

*To the President of the Senate and the*
*Speaker of the House of Representatives:*

The conferees, appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1725, A BILL TO BE ENTITLED AN ACT

TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO IMPROVE THE ADMINISTRATION OF THE SOFT DRINK EXCISE TAX, AND TO EXTEND THE SUNSET OF A TAX CREDIT, TO AMEND THE LAW REGARDING APPLICATION FOR CERTIFICATION AS A CLINICAL SOCIAL WORKER, TO RESTORE THE SOFT DRINK TAX EXEMPTION FOR NATURAL JUICE WITH NO ADDITIVES OTHER THAN VITAMINS, MINERALS, OR SUGAR, AND TO MAKE THE EFFECTIVE DATE OF CHANGES MADE DURING THE 1993 SESSION TO THE CONSUMER CREDIT SALE LAWS RETROACTIVE, Fourth Edition Engrossed 7/1/94, submit the following report:

The House and Senate agree to the following amendments to the Fourth Edition Engrossed 7/1/94, and the House concurs in the Fourth Edition Engrossed 7/1/94 as amended:

on page 16, line 43, rewrite the line to read:

"Sec. 38.3 (a) G.S. 25A–27 is amended by adding two new subsections to read:";

and on page 17, lines 7 and 8, delete the quotation mark at the end of line 7 and add the following between the lines to read:

"(d) The exclusive remedy for failure of a seller to apply payments of a buyer as required by subdivision (a)(3) or (b)(2) of this section during the period October 1, 1993, through October 1, 1996, is an order that the seller apply the payments as required by those provisions.'

(b) G.S. 25A–27(c), as enacted by this section, does not apply to pending actions."

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: July 1, 1994.

| | |
|---|---|
| S/Dennis J. Winner | S/Joe Hackney |
| S/David Hoyle | S/George Miller, Jr. |
| S/Roy A. Cooper, III | S/Mary Jarrell |
| S/John H. Kerr, III | S/C. Robert Brawley Cromer |
| S/James Forrester | S/H.M. Michaux, Jr. |
| | S/Jerry Braswell |
| | S/W. Pete Cunningham |
| | S/Tim Tallent |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

On motion of Senator Winner of Buncombe, the Senate adopts the Conference Report (50–0) changing the title. A message is ordered sent to the House of Representatives informing that Honorable Body of such action to the end that when a like action is taken by the House of Representatives, the Speaker may order the Senate Committee Substitute bill enrolled.

On motion of Senator Basnight, seconded by Senator Warren, the Senate adjourns at 2:20 P.M. to meet tomorrow, Wednesday, July 13, at 1:30 P.M.

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# ONE HUNDRED FORTIETH DAY

SENATE CHAMBER,
Wednesday, July 13, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with a prayer of William Barclay, as follows:

"Grant, O God,
That we may never lose the way through our self–will,
And so end up in the far countries of the soul;
That we may never abandon the struggle,
But that we may endure to the end and so be saved;
That we never drop out of the race,
But that we may ever press forward to the goal of our high calling;
That we may never choose the cheap and passing things,
And let go the precious thing that lasts forever;
That we may never take the easy way, and so leave the right way;
That we may never forget that sweat is the price of all things.
Bear us up on eagles' wings this day we pray. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, July 12, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senator Cooper; Senator Gunter; Senator Johnson; Senator Jordan to attend a funeral; and Senator Parnell to attend the NCOIL meeting in Burlington, Vermont.

Pursuant to the motion prevailing on Tuesday, June 28, all bills and resolutions ordered sent to the House of Representatives are sent by special messenger.

## REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

**H.B. 1878** (Committee Substitute), a bill to enable the County of Avery to establish an airport authority for the maintenance of airport facilities in the County, with a favorable report.

With unanimous consent, on motion of Senator Winner of Buncombe, the Committee Substitute bill is placed at the end of today's Calendar for consideration upon its passage.

**H.B. 2039**, a bill to make a technical correction in a local act concerning a deannexation from the City of Burlington, with a favorable report.

With unanimous consent, on motion of Senator Winner of Buncombe, the bill is placed at the end of today's Calendar for consideration upon its passage.

**H.B. 1988**, a bill to incorporate the Town of Neuse Forest, subject to a referendum, with an unfavorable report as to bill, as amended by the **Local Government and Regional Affairs Committee**, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Senate Committee Substitute bill 6351 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Senator Winner of Buncombe rises to a point of order as to the Senate Committee Substitute bill being a material amendment. The Chair takes the point of order under advisement, and orders the measure placed on the Calendar for tomorrow, Thursday, July 14, for further consideration.

**H.B. 2057** (Senate Committee Substitute), a bill to provide for surety bonds for small businesses that contract with governmental agencies, with an unfavorable report as to the Senate Committee Substitute bill as written by the **Insurance Committee**, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed 2384 Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Senator Winner of Buncombe rises to a point of order as to the Senate Committee Substitute bill No. 2 requiring review by the **Appropriations Committee** under Rule 42. The Chair takes the point of order under advisement, and orders the measure placed on the Calendar for tomorrow, Thursday, July 14, for further consideration.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**S.B. 20** (Committee Substitute), an act to amend the statutes relating to the electoral college to conform them to federal requirements and State law. (Ch. 738)

**S.B. 605** (House Committee Substitute), an act to exempt works of art for State buildings from State and local sales taxes. (Ch. 739)

**S.B. 883** (House Committee Substitute), an act to create the North Carolina Professional Teaching Standards Commission. (Ch. 740)

**H.B. 2015** (Senate Committee Substitute), an act to clarify that counties and cities are not required to review and approve residential plans submitted pursuant to the North Carolina State Building Code. (Ch. 741)

**H.B. 2037**, an act amending the Charter of the Town of Green Level in Alamance County to authorize enactment of a property maintenance ordinance and the assessment of certain costs of enforcement as a lien against the property. (Ch. 742)

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

**S.B. 940** (House Committee Substitute), a bill to rewrite the Charitable Solicitations Act, for concurrence in the House Committee Substitute bill.

Referred to **Rules and Operation of the Senate Committee.**

**H.B. 2036** (Committee Substitute), a bill to provide that Pamlico County may join the Global TransPark Development Zone.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Finance Committee.**

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 1725**
(Senate Committee Substitute)

House of Representatives
July 13, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House has adopted the Conference Report on Senate Committee Substitute to **HB 1725**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO IMPROVE THE ADMINISTRATION OF THE SOFT DRINK EXCISE TAX, AND TO EXTEND THE SUNSET OF A TAX CREDIT, TO AMEND THE LAW REGARDING APPLICATION FOR CERTIFICATION AS A CLINICAL SOCIAL WORKER, TO RESTORE THE SOFT DRINK TAX EXEMPTION FOR NATURAL JUICE WITH NO ADDITIVES OTHER THAN VITAMINS, MINERALS, OR SUGAR, AND TO MAKE THE EFFECTIVE DATE OF CHANGES MADE DURING THE 1993 SESSION TO THE CONSUMER CREDIT SALE LAWS RETROACTIVE, pursuant to your message that your Honorable Body has taken similar action, we have ordered the bill enrolled.

Respectfully,
S/Denise Weeks
*Principal Clerk*

## CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

**S.B. 31** (House Committee Substitute), a bill to require that the Secretary of the Department of Human Resources report on assisted living to the North Carolina Health Planning Commission established by Chapter 529 of the 1993 Session Laws and to the North Carolina Study Commission on Aging, upon concurrence.

The Senate concurs in the House Committee Substitute bill (42–0), changing the title, and the measure is ordered enrolled.

**S.B. 1467** (House Committee Substitute ), a bill to strengthen the requirements to have a child in a restraint system while operating a motor vehicle, for concurrence.

On motion of Senator Martin of Guilford, consideration of the House Committee Substitute bill is postponed until tomorrow, Thursday, July 14.

**H.B. 1988** (Senate Committee Substitute), a bill to incorporate the Town of Neuse Forest, subject to a referendum, placed earlier today on the Calendar for tomorrow, July 14, with a point of order under advisement as to the Senate Committee Substitute bill a material amendment.

Senator Perdue offers a motion that the Senate Committee Substitute bill be taken from the Calendar for tomorrow, Thursday, July 14, and placed before the Senate for immediate consideration, which motions prevail.

The Chair orders the Senate Committee Substitute bill taken from the Calendar for tomorrow, Thursday, July 14, and places the measure before the Senate for immediate consideration upon its passage.

The Chair addresses the point of order raised earlier by Senator Winner of Buncombe and rules the Senate Committee Substitute bill is not material but that the bill requires two separate readings with a three–fifths majority affirmative vote as required by Article VII, Section 1 of the *North Carolina Constitution.*

The Senate Committee Substitute bill passes its second reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Conder, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hyde, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 14, for further consideration upon third reading.

**H.B. 2057** (Senate Committee Substitute No. 2), a bill to provide for surety bonds for small businesses that contract with governmental agencies, placed earlier today on the Calendar for tomorrow, July 14, with a point of order under advisement as to required review by the **Appropriations Committee** pursuant to Rule 42.

The Chair addresses the point of order raised earlier by Senator Winner of Buncombe as to the Senate Committee Substitute bill No. 2 requiring the review of the **Appropriations Committee** under Rule 42 and sustains the point of order. The Chair orders the measure sent to the **Appropriations Committee.**

**H.B. 1878** (Committee Substitute), a bill to enable the County of Avery to establish an airport authority for the maintenance of airport facilities in the County, reported earlier today from the **Finance Committee,** upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hyde, Kaplan, Kerr, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 14, for further consideration upon third reading.

**H.B. 2039**, a bill to make a technical correction in a local act concerning a deannexation from the City of Burlington, reported earlier today from the **Finance Committee,** upon second reading.

The bill passes its second reading by roll–call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hyde, Kaplan, Kincaid, Lee, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Thursday, July 14, for further consideration upon third reading.

On motion of Senator Basnight, seconded by Senator Seymour, the Senate adjourns at 2:19 P.M. to meet tomorrow, Thursday, July 14, at 1:00 P.M.

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## ONE HUNDRED FORTY–FIRST DAY

SENATE CHAMBER,
Thursday, July 14, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Amidst thunder and lightning, Moses and Aaron stood atop Mount Sinai face–to–face with God. They were concealed by a thick cloud from the rest of the Israelites who were uninvited and who stood in anticipation at the foot of the mountain.

"Moses and Aaron would later descend Sinai with God's Ten Commandments.

"It must not have been easy to be left behind. The Israelites probably wanted to see what God looked like or hear Him speak. They might also have wanted to articulate their own interests in such a conversation!

"When we find ourselves at the foot of the mountain, it's best that we pray diligently for our leaders up there in the fire and smoke and petition that God's Presence will be clearly communicated and then trust that the word they bring down will be a lamp unto our feet and a light for a pathway. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Wednesday, July 13, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senator Johnson, to Senator Jordan to attend personal business, to Senator Parnell and Senator Smith to attend the NCOIL meeting in Burlington, Vermont, and to Senator Sands and Senator Kincaid.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**S.B. 31** (House Committee Substitute), an act to require that the Secretary of the Department of Human Resources report on assisted living to the North Carolina Health Planning Commission established by Chapter 529 of the 1993 Session Laws and to the North Carolina Study Commission on Aging. (Ch. 743)

**S.B. 1612**, an act to amend the election campaign laws to limit the exemption from reporting the names of small contributors so that it applies only to contributors who are individuals. (Ch. 744)

Pursuant to the motion prevailing on Tuesday, June 28, all bills and resolutions sent to the House of Representatives are ordered sent by special messenger.

## MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**H. B. 1779,** a bill to amend the campaign laws to eliminate the difference in post-primary reporting by nominees and primary losers.
Referred to **Constitution and Election Laws Committee**.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

**H.B. 1725** House of Representative
(Senate Committee Substitute) July 14, 1994

*Mr. President:*

It is ordered that a special message be sent to your Honorable Body with the information that Representative Cromer was appointed a Conferee on Senate Committee Substitute to House Bill 1725, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO IMPROVE THE ADMINISTRATION OF THE SOFT DRINK EXCISE TAX, AND TO EXTEND THE SUNSET OF A TAX CREDIT, TO AMEND THE LAW REGARDING APPLICATION FOR CERTIFICATION AS A CLINICAL SOCIAL WORKER, TO RESTORE THE SOFT DRINK TAX EXEMPTION FOR NATURAL JUICE WITH NO ADDITIVES OTHER THAN VITAMINS, MINERALS, OR SUGAR, AND TO MAKE THE EFFECTIVE DATE OF CHANGES MADE DURING THE 1993 SESSION TO THE CONSUMER CREDIT SALE LAWS RETROACTIVE, and has signed the Conference Report submitted to the House of Representatives; therefore, it is respectfully requested that he be allowed to sign the Conference Report in the Senate in order to make the two reports identical.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

With unanimous consent, the Chair orders Representative Cromer be allowed to sign the Conference Report adopted by the Senate on July 13.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**S.B. 1662**

House of Representatives
July 13, 1994

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Amendment #1 to **SB 1662**, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE TOWN OF DAVIDSON A DESCRIBED AREA LYING WITHIN ITS CORPORATE BOUNDARIES, the Speaker has appointed as conferees on the part of the House, Representative McLaughlin, Representative Alexander, Representative Easterling, Representative Dickson, and Representative Cunningham to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**S.B. 1566** (Committee Substitute), a bill to provide for uniform drivers license and vehicle registration information and to amend the window tinting law, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1566** (House Committee Substitute), a bill to provide for uniform drivers license and vehicle registration information.

On motion of Senator Lee, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Senate fails to concur in the House Committee Substitute bill (3–36).

Senator Lee offers a motion that the Senate do appoint conferees and request a like committee appointed by the House of Representatives to end the differences arising between the two Bodies may be resolved which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

**S.B. 1579** (House Committee Substitute), a bill to make technical, conforming, and administrative changes to the motor vehicle laws and other laws concerning the Department of Transportation, for concurrence in House Committee Substitute bill.

On motion of Senator Lee, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Chair rules the measure does not require a call of the roll.

The Senate fails to concur in the House Committee Substitute bill (1–40).

Senator Lee offers a motion that the Senate do appoint conferees and request a like committee appointed by the House of Representatives to the end the differences arising between the two Bodies may be resolved which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

## CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

**H.B. 1878** (Committee Substitute), a bill to enable the County of Avery to establish an airport authority for the maintenance of airport facilities in the County, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Blackmon, Carpenter, Cochrane, Conder, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Kaplan, Kerr, Lucas, Marshall, Martin of Pitt, Odom, Perdue, Plexico, Richardson, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—37.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**H.B. 1988** (Senate Committee Substitute), a bill to incorporate the Town of Neuse Forest, subject to a referendum, upon third reading.

With a three–fifths affirmative majority, the Senate Committee Substitute bill passes its third reading by roll–call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Blackmon, Carpenter, Cochrane, Conder, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Kaplan, Kerr, Lucas, Marshall, Martin of Pitt, Odom, Perdue, Plexico, Richardson, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—37.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

**H.B. 2039**, a bill to make a technical correction in a local act concerning a deannexation from the City of Burlington, upon third reading.

The bill passes its third reading by roll–call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Blackmon, Carpenter, Cochrane, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Kaplan, Kerr, Lucas, Marshall, Martin of Pitt, Odom, Perdue, Plexico, Richardson, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Ward, Warren, and Winner of Mecklenburg—37.

Voting in the negative: None.

The bill is ordered enrolled.

**S.B. 1467** (House Committee Substitute), a bill to strengthen the requirements to have a child in a restraint system while operating a motor vehicle, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (23–17) and the measure is ordered enrolled.

## APPOINTMENT OF CONFERENCE COMMITTEE

**S.B. 1566** (House Committee Substitute), a bill to provide for uniform drivers license and vehicle registration information, with the appointment of conferees taken under advisement by the President *Pro Tempore* earlier today.

Senator Soles, Deputy President *Pro Tempore*, offers a motion to temporarily suspend Rule 31 allow the Deputy President *Pro Tempore* to appoint conferees, which motion prevails with unanimous consent. Senator Soles appoints Senators Lee (Chairman), Hoyle, Speed, Marshall, and Carpenter as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

**S.B. 1579** (House Committee Substitute), a bill to make technical, conforming, and administrative changes to the motor vehicle laws and other laws concerning the Department of Transportation, with the appointment of conferees taken under advisement by the President *Pro Tempore* earlier today.

Senator Soles, Deputy President *Pro Tempore*, offers a motion to temporarily suspend Rule 31 to allow the Deputy President *Pro Tempore* to appoint conferees, which motion prevails with unanimous consent. Senator Soles appoints Senators Lee (Chairman), Hoyle, Speed, Marshall, and Carpenter as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

## CONFERENCE REPORT

**H.B. 486**

Senator Ballance for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 486**, a bill to place restrictions on the use of personal watercraft such as jet skis and water bikes, which Senate Amendment No. 2 proposes to change the title to read **H.B. 486**, a bill to place restrictions on the use of personal watercraft such as jet skis and water bikes, and to restrict certain activities in waters surrounding electric generating facilities, submit the following report:

*To: The President of the Senate*
*The Speaker of the House of Representatives:*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 486, A BILL TO BE ENTITLED AN ACT TO PLACE RESTRICTIONS ON THE USE OF PERSONAL WATERCRAFT SUCH AS JET SKIS AND WATER BIKES, AND TO RESTRICT CERTAIN ACTIVITIES IN WATERS SURROUNDING ELECTRIC GENERATING FACILITIES, submit the following report:

The House concurs in Senate Amendment 3 with the following amendments:
On line 1 delete "page 2, line 19" and substitute "page 1, line 27";
On line 10 delete "page 2, line 21" and substitute "page 2, line 1";
On line 12 delete "July 1" and substitute "August 1".

And the Senate agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 13, 1994.

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|---|---|
| S/Frank W. Ballance | S/Bertha M. Holt |
| S/Charles W. Albertson | S/C. Robert Brawley |
| S/George B. Daniel | S/C.P. Stewart |
| S/Patrick J. Ballantine | |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

On motion of Senator Ballance, the Conference Report is adopted (40–0) changing the title and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## CONFERENCE REPORT

**H.B. 1843** (Committee Substitute)

Senator Lee, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1843** (Committee Substitute), a bill to conform the Vehicle Emissions Inspection Program to the requirements of federal law and to make technical changes in the vehicle inspection laws, submits the following report:

*To: The President of the Senate*
*The Speaker of the House of Representatives:*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1843, A BILL TO BE ENTITLED AN ACT TO CONFORM THE VEHICLE EMISSIONS INSPECTION PROGRAM TO THE REQUIREMENTS OF FEDERAL LAW AND TO MAKE TECHNICAL CHANGES IN THE VEHICLE INSPECTION LAWS, Committee Substitute Favorable 6/9/94, as amended by Senate Amendment #1, submit the following report:

The House and Senate agree to the following amendment to Senate Amendment #1 and the House concurs in Senate Amendment #1 as amended:

On lines 15 and 16 of page 1 of Senate Amendment #1, delete the phrase "sum of two hundred thirty thousand dollars ($230,000)" and substitute the word "amount".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved this report: July 14, 1994.

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|---|---|
| S/Howard N. Lee | S/John B. McLaughlin |
| Paul S. Smith | S/Robert C. Hunter |
| S/David Hoyle | S/Ed Bowen |
| S/James D. Speed | S/Bobby H. Barbee, Sr. |
| | S/Mary E. McAllister |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

On motion of Senator Lee, the Conference Report is adopted (40–0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**H.B. 2036** (Committee Substitute), a bill to provide that Pamlico County may join the Global TransPark Development Zone, referred to the **Education/Higher Education Committee** on Wednesday, July 13.

Pursuant to Rule 47(b), Senator Perdue offers a motion that the Committee Substitute bill be recalled from the **Education/Higher Education Committee** and re–referred to the **Finance Committee**, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Education/Higher Education Committee** and re–refers the measure to the **Finance Committee.**

Pursuant to Rule 47(b), Senator Winner of Buncombe immediately arises and offers a motion that the Committee Substitute bill be taken from the **Finance Committee** and placed before the Senate for immediate consideration upon its passage, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Finance Committee** and places the measure before the Senate for immediate consideration upon its passage, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 37, notes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Blackmon, Carpenter, Conder, Cooper, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Kaplan, Kerr, Lucas, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Richardson, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—37.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 15, for further consideration upon third reading.

On motion of Senator Soles, seconded by Senator Walker, the Senate adjourns at 2:12 P.M. to meet tomorrow, Friday, July 15, at 10:00 A.M.

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## ONE HUNDRED FORTY–SECOND DAY

SENATE CHAMBER,
Friday, July 15, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor who is attending the meeting of the State Board of Community Colleges which he serves as Chairman.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, may the Session that is now drawing to a close always act to teach us.

"Help us to be realistic about its accomplishments and about ourselves. Always accompanying the credit for our successes is the responsibility we bear for not accomplishing all we had hoped for.

"So give us the Grace to take things as they are and to resolve by Your Help, to continue to work diligently to make them what they ought to be.

"We pray, O Lord, in appreciation of all the good work done in this Chamber by the Lieutenant Governor, Senators and staff. We pray in behalf of the people of our great State, and we pray always to Your Glory. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Thursday, July 14, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senator Folger to attend prior business appointments, to Senator Forrester to cover his medical practice, Senator Johnson, Senator Parnell, and Senator Smith to attend the NCOIL meeting in Burlington, Vermont; to Senator Gulley, Senator Kincaid, and Senator Simpson.

Pursuant to the motion prevailing on Tuesday, June 28, all bills and resolutions sent to the House of Representatives are ordered sent by special messenger.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 1725** (Senate Committee Substitute), an act to make technical and clarifying changes to the revenue laws and related statutes, to improve the administration of the soft drink excise tax, and to extend the sunset of a tax credit, to amend the law regarding application for certification as a clinical social worker, to restore the soft drink tax exemption for natural juice with no additives other than vitamins, minerals, or sugar, and to make the effective date of changes made during the 1993 Session to the consumer credit sale laws retroactive. (Ch. 745)

**H.B. 1878** (Committee Substitute), an act to enable the County of Avery to establish an airport authority for the maintenance of airport facilities in the County. (Ch. 746)

**H.B. 2039**, an act to make a technical correction in a local act concerning a deannexation from the City of Burlington. (Ch. 747)

**S.B. 1467** (House Committee Substitute), an act to strengthen the requirements to have a child in a restraint system while operating a motor vehicle. (Ch. 748)

## APPOINTMENT OF CONFERENCE COMMITTEE

**H.B. 1776** (Senate Committee Substitute), a bill to rewrite the voter registration laws of North Carolina.

Pursuant to the message from the House of Representatives received Wednesday, July 6, requesting conferees, Senator Plexico offers a motion that the Senate do appoint conferees, which motion prevails.

Senator Soles, Deputy President *Pro Tempore*, offers a motion to temporarily suspend Rule 31 to allow the Deputy President *Pro Tempore* to appoint conferees, which motion prevails with unanimous consent. Senator Soles appoints Senators Plexico (Chairman), Hyde, and Winner of Mecklenburg as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## CONFERENCE REPORT

**S.B. 1662**

Senator Odom for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1662**, a bill to annex to the Town of Davidson a described area lying within its corporate boundaries, submits the following report:

*To: The President of the Senate*
*The Speaker of the House of Representatives:*

The conferees, appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1662, A BILL TO BE ENTITLED AN ACT

TO ANNEX TO THE TOWN OF DAVIDSON A DESCRIBED AREA LYING WITHIN ITS CORPORATE BOUNDARIES, submit the following report:
The Senate concurs in House Amendment #1 with an amendment: delete "July 15", and substitute "July 31".
The House agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July, 1994.

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|---|---|
| S/T.L. Odom | S/John B. McLaughlin |
| S/Fred Folger, Jr. | S/Ruth Easterling |
| S/John G. Blackmon | S/Martha B. Alexander |
| | S/W. Dickson |
| | S/W. Cunningham |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

On motion of Senator Odom, the Conference Report is adopted (33–0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## CONFERENCE REPORT

**H.B. 1984** (Committee Substitute)

Senator Soles for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1984** (Committee Substitute), a bill to exempt Franklin County from certain statutory requirements in certain construction contracts, which Senate Amendment No. 1 proposes to change the title, upon concurrence, to read **H.B. 1984** (Committee Substitute), a bill to exempt Franklin and Columbus Counties from certain statutory requirements in certain construction contracts, submits the following report:

*To: The President of the Senate*
*The Speaker of the House of Representatives:*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1984, AN ACT TO EXEMPT FRANKLIN COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN CERTAIN CONSTRUCTION CONTRACTS, Committee Substitute Favorable 6/14/94, submit the following report:

The House concurs in Senate Amendment #1, with an amendment as follows:
In Senate Amendment #1 on line 5, delete "line 8," and substitute: "lines 20 and 21," and on line 6, delete "that line" and substitute "those lines"
and on line 11 by adding immediately after the word "ratification" the words: "and expires December 31, 1995".
The Senate agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 6,1994.

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| S/R.C. Soles, Jr. | S/Michael S. Wilkins |
| S/Roy A. Cooper, III | S/Dewey L. Hill |
| S/James D. Speed | S/Bobby H. Griffin |
| | S/John B. McLaughlin |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

On motion of Senator Soles, the Conference Report is adopted (36–0), which changes the title, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## DISMISSAL OF CONFEREES

**S.B. 1566** (House Committee Substitute), a bill to provide for uniform drivers license and vehicle registration information, with Conferees appointed on July 14.

Senator Lee offers a motion to dismiss the conferees for **S.B. 1566**, which motion prevails (33–0). The Chair dismisses the conferees and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Senator Lee offers a motion that the vote by which the Senate failed to concur in the House Committee Substitute bill be reconsidered, which motion prevails (37–0), and the question becomes concurrence.

The Senate concurs in the House Committee Substitute bill (38–0) and the measure is ordered enrolled.

The Chair extends courtesies of the gallery to the Honorable Jerry T. Howard, State Senator from the State of Missouri, and to the Honorable Charles Hipps, former North Carolina Senator from Haywood County.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives as follows:

**S.B. 1249**
(House Committee Substitute)

House of Representatives
July 14, 1994

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 1249**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES CONCERNING THE BOARD OF ELECTROLYSIS EXAMINERS, the Speaker has appointed as conferees on the part of the House, Representative Hackney, Representative Mavretic, and Representative Alexender to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**S.B. 1566**
(House Committee Substitute)

House of Representatives
July 14, 1994

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 1566**, A BILL TO BE ENTITLED AN ACT TO

PROVIDE FOR UNIFORM DRIVERS LICENSE AND VEHICLE REGISTRATION INFORMATION. the Speaker has appointed as conferees on the part of the House, Representative McLaughlin, Representative Sutton, Representative Flaherty, Representative Hall, and Representative Braswell to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Pursuant to the action taken earlier today by the Senate, the Chair orders the House of Representatives notified the Senate has ordered the House Committee Substitute bill enrolled.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**S.B. 1579**
(House Committee Substitute)

House of Representatives
July 14, 1994

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 1579**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CONFORMING, AND ADMINISTRATIVE CHANGES TO THE MOTOR VEHICLE LAWS AND OTHER LAWS CONCERNING THE DEPARTMENT OF TRANSPORTATION, the Speaker has appointed as conferees on the part of the House, Representative McLaughlin, Representative Sutton, Representative Flaherty, Representative Hall, and Representative Braswell to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 486**

House of Representatives
July 14, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Amendment #3 to **HB 486**, A BILL TO BE ENTITLED AN ACT TO PLACE RESTRICTIONS ON THE USE OF PERSONAL WATERCRAFT SUCH AS JET SKIS AND WATER BIKES, AND TO RESTRICT CERTAIN ACTIVITIES IN WATERS SURROUNDING ELECTRIC GENERATING FACILITIES, and we have ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 1843**
(Committee Substitute)

House of Representatives
July 14, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the Conference Report on Senate Amendment for Committee Substitute to **HB 1843**, A BILL TO BE ENTITLED AN ACT TO CONFORM THE VEHICLE EMISSIONS INSPECTION PROGRAM TO THE REQUIREMENTS OF FEDERAL LAW AND TO MAKE TECHNICAL CHANGES IN THE VEHICLE INSPECTION LAWS, and we have ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**S.B. 1249**
(House Committee Substitute)

House of Representatives
July 14, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to **SB 1249**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES CONCERNING THE BOARD OF ELECTROLYSIS EXAMINERS, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**S.B. 61** (House Committee Substitute No. 2), a bill to require that the North Carolina Alcoholic Beverage Control Commission consider various factors prior to granting ABC permits, to lengthen the period of notice to local governments, and to clarify that no notice need be given to local governments unless the permit is permanent, for concurrence in the House Committee Substitute bill No. 2.

On motion of Senator Sands, the rules are suspended without objection, and the House Committee Substitute bill No. 2 is placed on the Calendar for today for consideration in its regular order of business.

## CONFERENCE REPORT

**S.B. 1249** (House Committee Substitute)

Senator Marshall, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1249** (House

Committee Substitute), a bill to make changes concerning the Board of Electrolysis Examiners, submits the following report:

*To: The President of the Senate*
*The Speaker of the House of Representatives:*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1249, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES CONCERNING THE BOARD OF ELECTROLYSIS EXAMINERS, Fifth Edition Engrossed 7/7/94, submit the following report:

The Senate concurs in the House Committee Substitute, Fifth Edition Engrossed, and the House and Senate agree to the following amendment to the House Committee Substitute, Fifth Edition Engrossed:

on page 3, lines 36–37, by rewriting those lines to read:

"Sec. 5.1. G.S. 88A–7 reads as rewritten:

'§88A–7. ~~Custody and use of funds.~~ Applicability of Executive Budget Act; audit oversight.'"; and

on page 4, line 2, by inserting a quotation mark at the end of the line.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 14, 1994.

| | |
|---|---|
| S/Elaine Marshall | S/Joe Hackney |
| S/Frank Ballance, Jr. | S/Joe Mavretic |
| S/Jerry Blackmon | S/Martha Alexander |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

On motion of Senator Marshall, the Conference Report is adopted (39–0), and the House Committee Substitute bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**H.B. 2036** (Committee Substitute), a bill to provide that Pamlico County may join the Global TransPark Development Zone, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Cooper, Edwards, Gunter, Harris, Hartsell, Hoyle, Hyde, Jordan, Kaplan, Kerr, Lee, Lucas, Marshall, Martin of Guilford, Perdue, Plyler, Sands, Seymour, Shaw, Sherron, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—36.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**S.B. 61** (House Committee Substitute No. 2), a bill to require that the North Carolina Alcoholic Beverage Control Commission consider various factors prior to granting ABC permits, to lengthen the period of notice to local governments, and to clarify that no notice need be given to local governments unless the permit is permanent, placed earlier today at the end of the Calendar for consideration upon concurrence.

The Chair orders, without objection, the House Committee Substitute bill No. 2 temporarily displaced.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**H.B. 2132**, a bill to authorize the Department of Transportation to lease a certain designated part of the right–of–way of N.C. 147 to the City of Durham for parking purposes, referred to **Rules and Operation of the Senate Committee** on July 12.

Pursuant to Rule 47(b), Senator Sands offers a motion the bill be recalled from the **Rules and Operation of the Senate Committee** and placed at the end of today's Calendar for consideration upon its passage, which motions prevail.

The Chair orders the bill taken from the **Rules and Operation of the Senate Committee** and places the measure at the end of today's Calendar for consideration upon its passage.

## DISMISSAL OF CONFEREE

**S.B. 1504** (House Committee Substitute), a bill to expand the duties of the State Controller; to reduce costs to the State by authorizing private publication of the Administrative Code; concerning the law pertaining to school textbooks; to expand the membership of the North Carolina Air Cargo Airport Authority; and to increase the tort claims award with Conferees appointed on June 30.

Senator Richarson requests to be dismissed as a Conferee. The President *Pro Tempore* dismisses Senator Richardson as a Conferee and appoints Senator Walker. The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**S.B. 1505** (House Committee Substitute), a bill to modify the Current Operations Appropriations Act of 1993, to make appropriations for capital improvements for the 1994–95 Fiscal Year, and to make other changes in the budget operation of the State, with Conferees appointed on June 27.

Senator Richarson requests to be dismissed as a Conferee. The President *Pro Tempore* dismisses Senator Richardson as a Conferee and appoints Senator Walker. The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

## CALENDAR (Continued)

**S.B. 61** (House Committee Substitute No. 2), a bill to require that the North Carolina Alcoholic Beverage Control Commission consider various factors prior to granting ABC permits, to lengthen the period of notice to local governments, and to clarify that no notice need be given to local governments unless the permit is permanent, temporarily displaced earlier upon concurrence.

The Senate concurs in the House Committee Substitute bill No. 2 (35–0) and the measure is ordered enrolled.

Upon motion of Senator Ballance, the remarks of Members rising to points of personal privilege are spread upon the Journal as follows:

**By Senator Basnight:**

"I hate to do this at this time, but it is this particular time of our juncture when we are joined together that we have a Member that leaves. He's just requested a leave of absence for the remainder of this Session. And that we replace him on a Conference Committee and replace him with Senator Russell Walker on the Conference Committee of **S.B. 1505** and **S.B. 1504**. The motion before us at this time by Senator Richardson is to appoint Senator Walker as his replacement. Without objection so ordered.

"I'd like to have privilege for a minute, if I may, to speak to the Body about one of our special Members. He's been in the Senate for eight years, two years in the House. He's our big bruiser. He's a guy from Charlotte, from Mecklenburg, where he was born and raised and where he served his community with great distinction. Early on, in helping people he gave of his time and his energies to lift those who are more troubled than many us up to give them an opportunity. He still labors in that fashion and in that belief today. He is a man who I greatly respect, and I will sorely miss. And I believe in all honesty I speak for all Members of this Body, that the fellow that's leaving us is probably going to go down as one of the finer Senators to ever serve in this State. His compassion and his love for mankind and people in general is as strong as any person I have ever met. Last night we had an opportunity to speak and chat. It was very moving and meant a great deal to me, Senator Richardson. At the proper time the Senate will certainly speak in thanks to you as Members will as we stand and give you a proper ovation for your contributions to this State and its people. I recognize Senator Richardson at this time for a point of personal privilege."

**By Senator Richardson:**

"Thank you Mr. President and my colleagues in the Senate. I won't take long and I'll try to do it without emotions because its hard to leave without emotions but on many occasions I've expressed to you how I feel about you and this institution. And in my leaving the General Assembly after ten years, I feel like a winner. I feel like a person who has had an opportunity to make some difference in people's lives and I appreciate the people of North Carolina and you as my colleagues allowing me that opportunity.

"I told you on another occasion just twenty–five years ago, and it might be a little less than that, but around twenty–five years ago, I had no idea that I would retire from the federal government as a Postmaster or that I would be a North Carolina State Senator and those opportunities came at a time that I feel I was qualified for those positions and I was promoted in the postal service and I was elected in my district to this Office as Senator. And my race of people in just a few years back didn't have an opportunity to do either one of those things and I appreciate the opportunity for having been able to do both of them.

"As I look around this Body I see people that are dedicated. And when I hear the newspaper and people around the State complaining and editorials about that we are down here having fun and that we are taking the State's money—$50,000 a day and doing nothing—it really makes me bristle and makes me want to answer but sometimes you can answer and you have to keep debating. But I say to you that you have nothing to be ashamed of in serving your State because I know the dedication that you have and that you give every day; getting up in the morning at six o'clock and sometimes not getting back in the bed until twelve and one o'clock at night. And

serving the people of North Carolina with the measly little money that you do so you certainly don't do it for the salary. I'm proud of you.

"I've lost a bill. One of the first things I learned in this General Assembly is that when you have a bill and you lose it, don't get mad with everybody. And that's a lesson that you learn early on in here because there is always another day. You know I voted against the open meetings law and I voted against some other things taking away your rights, because as I told you earlier I haven't seen any corruption in the ten years—and I know State government—I haven't seen any corruption any great deal of corruption in this State government.

"And please don't give away and let them keep taking your rights as individuals because you serve this State well and you are respected people. I have certainly enjoyed serving with you. I'm going to miss it. As I look around I see Charlie Hipps up in the gallery. He sit by—he was my seatmate and he didn't smoke and I was smoking about four packs of cigarettes a day blowing it on him and he put up with that. I appreciate you, Charlie. I want you to know there are many things I appreciate from the Members of this General Assembly and I'll always remember you and I'm leaving at a time that I feel that I can come back and still be a part of you. I didn't want to leave here feeling low and down and I feel on a high leaving here and thank you so much for letting me serve with you."

The Senate responds with a warm, prolonged ovaton.

With unanimous consent, the Senate recesses at 11:00 A.M. for the purpose of committee meetings to reconvene at 2:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**S.B. 1469** (House Committee Substitute), a bill to exempt from registration and the motor fuel tax vehicles registered in another state and operated temporarily in this State by a utility provider or its contractor for the purpose of restoration of utility services in an emergency outage as recommended by the Joint Legislative Utility Review Committee, and to grant authority to the Chairman of the Public Utilities Commission to appoint panels of five commissioners to hear certain matters, referred to **Rules and Operation of the Senate Committee** on July 11.

Pursuant to Rule 47(b), Senator Sands offers a motion the House Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee** and placed at the end of today's Calendar for consideration upon concurrence which motions prevail.

The Chair orders the House Committee Substitute bill taken from the **Rules and Operation of the Senate Committee** and places the measure at the end of today's Calendar for consideration upon concurrence.

**S.B. 940** (House Committee Substitute), a bill to rewrite the Charitable Solicitations Act, referred to **Rules and Operation of the Senate Committee** on July 13.

Pursuant to Rule 47(b), Senator Sands offers a motion the House Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee**

and placed at the end of today's Calendar for consideration upon concurrence which motions prevail.

The Chair orders the House Committee Substitute bill taken from the **Rules and Operation of the Senate Committee** and places the measure at the end of today's Calendar for consideration upon concurrence.

## CALENDAR (Continued)

**H.B. 2132**, a bill to authorize the Department of Transportation to lease a certain designated part of the right–of–way of N.C. 147 to the City of Durham for parking purposes, placed earlier today at the end of today's Calendar for consideration upon its passage.

The bill passes its second (35–2) and third readings and is ordered enrolled.

## CONFERENCE REPORT

**S.B. 1579** (House Committee Substitute)

Senator Lee, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1579** (House Committee Substitute), a bill to make technical, conforming, and administrative changes to the motor vehicle laws and other laws concerning the Department of Transportation, submits the following report:

*To: The President of the Senate*
*The Speaker of the House of Representatives:*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1579, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CONFORMING, AND ADMINISTRATIVE CHANGES TO THE MOTOR VEHICLE LAWS AND OTHER LAWS CONCERNING THE DEPARTMENT OF TRANSPORTATION, Fifth Edition Engrossed 7/13/94, submit the following report:

The Senate concurs in the House Committee Substitute, Fifth Edition Engrossed, and the House and Senate agree to the following amendment to the House Committee Substitute, Fifth Edition Engrossed:

On page 12, line 18, rewrite the line to read:

"G.S. 20–28.2. In applying the procedure set out in that statute, an owner or a holder of a security interest is considered an innocent party with respect to a motor vehicle subject to forfeiture under this subsection if any of the following applies:

(1) The owner or holder of the security interest did not know and had no reason to know that the defendant had been convicted within the previous seven years of three or more offenses involving impaired driving.

(2) The defendant drove the motor vehicle without the consent of the owner or the holder of the security interest.'".

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: July 15, 1994.

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|---|---|
| S/Howard N. Lee | S/John B. McLaughlin |
| S/David W. Hoyle | S/Ronnie Sutton |
| S/James D. Speed | S/David T. Flaherty, Jr. |
| S/Elaine F. Marshall | Bobby Ray Hall |
| S/Robert C. Carpenter | S/Jerry Braswell |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

On motion of Senator Lee, the Conference Report is adopted (36–0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Hyde for the **Constitution and Election Laws Committee**:

**H.B. 1779,** a bill to amend the campaign laws to eliminate the difference in post-primary reporting by nominees and primary losers, with a favorable report, as amended.

On motion of Senator Hyde, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted, which changes the title upon concurrence, to read **H.B. 1779,** a bill to amend the campaign laws to change the system of postprimary reporting for statewide nonjudicial candidates.

The bill, as amended, passes its second (39–1) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**S.B. 61** (House Committee Substitute No. 2), an act to require that the North Carolina Alcoholic Beverage Control Commission consider various factors prior to granting ABC permits, to lengthen the period of notice to local governments, and to clarify that no notice need be given to local governments unless the permit is permanent. (Ch. 749)

**S.B. 1566** (House Committee Substitute), an act to provide for uniform drivers license and vehicle registration information. (Ch. 750)

**H.B. 2036** (Committee Substitute), an act to provide that Pamlico County may join the Global TransPark Development Zone. (Ch. 751)

**H.B. 1988** (Senate Committee Substitute), an act to incorporate the Town of Neuse Forest, subject to a referendum. (Ch. 752)

**H.B. 486**, an act to place restrictions on the use of personal watercraft such as jet skis and water bikes, and to restrict certain activities in waters surrounding electric generating facilities. (Ch. 753)

**H.B. 1843** (Committee Substitute), an act to conform the Vehicle Emissions Inspection Program to the requirements of federal law and to make technical changes in the vehicle inspection laws. (Ch. 754)

**S.B. 1249** (House Committee Substitute), an act to make changes concerning the Board of Electrolysis Examiners. (Ch. 755)

**S.B. 1628**, an act clarifying that a motor vehicle operating lease that contains a terminal rental adjustment clause is not a sale and does not create a security interest in the leased property. (Ch. 756)

## CALENDAR (Continued)

**S.B. 940** (House Committee Substitute), a bill to rewrite the Charitable Solicitations Act, placed earlier today at the end of the Calendar for consideration upon concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (38–2) and the measure is ordered enrolled.

**S.B. 1469** (House Committee Substitute), a bill to exempt from registration and the motor fuel tax vehicles registered in another state and operated temporarily in this State by a utility provider or its contractor for the purpose of restoration of utility services in an emergency outage as recommended by the Joint Legislative Utility Review Committee, and to grant authority to the Chairman of the Public Utilities Commission to appoint panels of five commissioners to hear certain matters, placed earlier today at the end of the Calendar for consideration upon concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0–40).

Senator Sands offers a motion the Senate do appoint conferees, which motion prevails. The President *Pro Tempore* takes the appointment of Conferees under advisement.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**S.B. 1662**

House of Representatives
July 15, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Amendment #1 to **SB 1662**, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE TOWN OF DAVIDSON A DESCRIBED AREA LYING WITHIN ITS CORPORATE BOUNDARIES, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
*Principal Clerk*

The President orders the bill enrolled.

With unanimous consent, the Senate recesses at 2:30 P.M. for the purpose of committee meetings to reconvene at 4:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

With unanimous consent, the Chair grants a leave of absence to Senator Ballantine for the remainder of today's Session.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**S.B. 1579** House of Representatives
(House Committee Substitute) July 15, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to **SB 1579**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CONFORMING, AND ADMINISTRATIVE CHANGES TO THE MOTOR VEHICLE LAWS AND OTHER LAWS CONCERNING THE DEPARTMENT OF TRANSPORTATION, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

The President orders the House Committee Substitute bill enrolled.

## REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee**:

**H.B. 589** (Committee Substitute), a bill to prohibit hunting from roads in Pasquotank County and to permit fishing without a license on the Outer Banks of Dare County, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Senate Committee Substitute bill 5342, which changes the title, upon concurrence, to read **H.B. 589** (Senate Committee Substitute), a bill to amend Chapter 576 of the 1993 Session Laws concerning the Appeals Panel during the fisheries moratorium, is placed before the Senate for immediate consideration.

On motion of Senator Albertson, the Senate Committee Substitute bill is adopted.

Senator Albertson, rises to a point of order as to the germaneness of the Amendment in the nature of the Committee Substitute bill. The Chair rules the Committee Substitute bill is germane.

With unanimous consent, on motion of Senator Albertson, the Senate Committee Substitute bill remains before the Senate for further consideration upon its passage.

The Senate Committee Substitute bill passes its second (34–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill which changes the title by special messenger.

With unanimous consent, the Senate recesses at 4:17 P.M. for the purpose of committee meetings to reconvene at 5:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

**H.B. 209** (Committee Substitute), a bill to define "abandoned cemetery," with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 9447, which changes the title, upon concurrence, to read **H.B. 209** (Senate Committee Substitute), a bill to authorize the Division of Archives and History to help preserve and to computerize historically, genealogically, and culturally significant information found in abandoned cemeteries through the North Carolina Cemetery Survey Program, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted and on his further motion is re–referred to the **Appropriations Committee**.

With unanimous consent, the Senate recesses at 5:12 P.M. for the purpose of committee meetings to reconvene at 6:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## APPOINTMENT OF CONFERENCE COMMITTEE

**S.B. 1469** (House Committee Substitute), a bill to exempt from registration and the motor fuel tax vehicles registered in another state and operated temporarily in this State by a utility provider or its contractor for the purpose of restoration of utility services

in an emergency outage as recommended by the Joint Legislative Utility Review Committee, and to grant authority to the Chairman of the Public Utilities Commission to appoint panels of five commissioners to hear certain matters, with the motion of Senator Sands, prevailing earlier today that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Sands, Seymour, and Odom as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 1984** (Committee Substitute), an act to exempt Franklin and Columbus Counties from certain statutory requirements in certain construction contracts. (Ch. 757)

**H.B. 2132**, an act to authorize the Department of Transportation to lease a certain designated part of the right–of–way of N.C. 147 to the City of Durham for parking purposes. (Ch. 758)

**S.B. 940** (House Committee Substitute), an act to rewrite the Charitable Solicitations Act. (Ch. 759)

**S.B. 1662**, an act to annex to the Town of Davidson a described area lying within its corporate boundaries. (Ch. 760)

On motion of Senator Basnight, seconded by Senator Marshall, the Senate adjourns at 6:17 P.M. to meet tomorrow, Saturday, July 16, at 9:00 A.M.

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# ONE HUNDRED FORTY–THIRD DAY

SENATE CHAMBER,
Saturday, July 16, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by The Honorable Richard Conder, Senator from Richmond County, as follows:

"Dear God, we pause at this time to give You thanks for the beauty of this day, and the beauty of life, along with our many blessings, including our health, our happiness, and our many friends. We continue to be awed by the magnitude of Your Generosity and Your Love, both of which flow freely through this Chamber and our lives. We pray for Your Guidance of this Senate, its members and their families, the staff and its families. Dear Lord, thank You for allowing Senators Harris, Johnson, Tally, Seymour, Richardson, Walker, and Sands to serve this State and continue to be with them as they retire from this Body.

"Dear God, this Session has been tougher than usual; some are frustrated; some are upset; some are disillusioned; but many are happy. Help us remember the old cliche, 'All's well that ends well.' Amen."

Senator Soles, for the **Rules and Operation of the Senate Committee**, announces the Journal of yesterday, Friday, July 15, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senator Ballantine; to Senator Blackmon to attend Commissioner Robert Walton's funeral; to Senator Folger; to Senator Forrester to cover his medical practice; to Senator Gulley; to Senator Johnson, to Senator Parnell and to Senator Smith to attend the NCOIL meeting in Burlington, Vermont; to Senator Richardson; to Senator Shaw; and to Senator Simpson.

Pursuant to the motion prevailing on Tuesday, June 28, all bills and resolutions sent to the House of Representatives are ordered sent to special messenger.

## CONFERENCE REPORT

**H.B. 822** (Senate Committee Substitute)

Senator Winner of Buncombe, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 822** (Senate Committee Substitute), a bill to amend the laws regarding computer–related crime, submits the following report:

*To the President of the Senate and the*
*Speaker of the House of Representatives:*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 822, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING COMPUTER–RELATED CRIME, Senate Judiciary I Committee Substitute Adopted 6/30/94, as amended by amendment #1, submit the following report:

The Senate recedes from amendment #1, the House of Representatives and the Senate agree to the following amendments to the Senate Committee Substitute, and the House of Representatives concurs in the Senate Judiciary 1 Committee Substitute Adopted 6/30/94, as amended by this report:
on page 2, line 39, through page 3, line 6,
by rewriting those lines to read:

"(a) ~~A person is guilty of a Class H felony if he~~ It is unlawful to willfully, directly or indirectly, ~~accesses or causes~~ access or cause to be accessed any computer, computer system, computer network, or any part thereof, for the purpose of:

(1) Devising or executing any scheme or artifice to defraud, unless the object of the scheme or artifice is to obtain educational testing material, a false educational testing score, or a false academic or vocational grade, or

(2) Obtaining property or services other than educational testing material, a false educational testing score, or a false academic or vocational grade for ~~himself or another,~~ a person, by means of false or fraudulent pretenses, representations or promises.

A violation of this subsection is a Class G felony if the fraudulent scheme or artifice results in damage of more than one thousand dollars ($1,000), or if the property or services obtained are worth more than one thousand dollars ($1,000). Any other violation of this subsection is a Class 1 misdemeanor."; and

on page 3, lines 17 through 23,
by rewriting those lines to read:

"(a) ~~A person is guilty of a Class H felony if he~~ It is unlawful to willfully and without authorization ~~alters, damages or destroys~~ alter, damage, or destroy a computer, computer system, computer network, or any part thereof. A violation of this subsection is a Class G felony if the damage caused by the alteration, damage, or destruction is more than one thousand dollars ($1,000). Any other violation of this subsection is a Class 1 misdemeanor."

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: July 15, 1994.

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| S/Dennis J. Winner | S/Bob Hensley |
| S/Frank W. Ballance, Jr. | S/Joe Hackney |
| S/Elaine F. Marshall | S/Lyons Gray |
| S/Fletcher L. Hartsell, Jr. | S/David T. Flaherty, Jr. |
| | Anne Craig Barnes |
| | S/Brad Miller |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

On motion of Senator Winner of Buncombe, the Conference Report is adopted (29–0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## CONFERENCE REPORT

**H.B. 1776** (Senate Committee Substitute)

Senator Plexico, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1776** (Committee Substitute), a bill to rewrite the voter registration laws of North Carolina and to make other election–law changes, and **H.B. 1776** (Senate Committee Substitute), a bill to rewrite the voter registration laws of North Carolina, which proposes to change the title, submits the following report, which further proposes to change the title, upon adoption, to read **H.B. 1776** (Senate Committee Substitute), a bill to rewrite the voter registration laws of North Carolina and to make other election–law changes.

*To the President of the Senate and the*
*Speaker of the House of Representatives:*

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1776, A BILL TO BE ENTITLED AN ACT TO REWRITE THE VOTER REGISTRATION LAWS OF NORTH

CAROLINA., Senate Constitution and Election Laws Committee Substitute Adopted 6/30/94, wish to report as follows:

The House concurs in the Senate Constitution and Election Laws Committee Substitute Adopted 6/30/94 with the following amendment:

Delete the entire Senate Constitution and Election Laws Committee Substitute Adopted 6/30/94 and substitute the attached Proposed Conference Committee Substitute PCCS 8104.

The Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 15th day of July, 1994.

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| S/Clark Plexico | S/H.M. Michaux Jr. |
| S/Herbert L. Hyde | S/J. Shawn Lemmond |
| S/Leslie Winner | S/Bertha Holt |
| | S/Paul Luebke |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

The text of the attached Proposed Conference Committee Substitute bill PCCS 8104 reads as follows:

A BILL TO BE ENTITLED

AN ACT TO REWRITE THE VOTER REGISTRATION LAWS OF NORTH CAROLINA AND TO MAKE OTHER ELECTION-LAW CHANGES.

The General Assembly of North Carolina enacts:

Section 1. Article 7 of Chapter 163 of the General Statutes is repealed.

Sec. 2. Chapter 163 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 7A.

"Registration of Voters.

**"§ 163-82.1. General principles of voter registration.**

(a) Prerequisite to Voting. — No person shall be permitted to vote who has not been registered under the provisions of this Article or registered as previously provided by law.

(b) County Board's Duty to Register. — A county board of elections shall register, in accordance with this Article, every person qualified to vote in that county who makes an application in accordance with this Article.

(c) Permanent Registration. — Every person registered to vote by a county board of elections in accordance with this Article shall remain registered until:

(1) The registrant requests in writing to the county board of elections to be removed from the list of registered voters; or

(2) The registrant becomes disqualified through death, conviction of a felony, or removal out of the county; or

(3) The county board of elections determines, through the procedure outlined in G.S. 163-82.14, that it can no longer confirm where the voter resides.

"§ 163–82.2. Chief State Election Official.

The Executive Secretary–Director of the State Board of Elections is the 'Chief State Election Official' of North Carolina for purposes of P.L. 103–31, The National Voter Registration Act of 1993, subsequently referred to in this Article as the 'National Voter Registration Act'. As such the Executive Secretary–Director is responsible for coordination of State responsibilities under the National Voter Registration Act.

"§ 163–82.3. Voter registration application forms.

(a) Form Developed by State Board of Elections. — The State Board of Elections shall develop an application form for voter registration. Any person may use the form to apply to do any of the following:

(1) Register to vote;

(2) Change party affiliation or unaffiliated status;

(3) Report a change of address within a county;

(4) Report a change of name.

The county board of elections for the county where the applicant resides shall accept the form as application for any of those purposes if the form is submitted as set out in G.S. 163–82.3.

(b) Interstate Form. — The county board of elections where an applicant resides shall accept as application for any of the purposes set out in subsection (a) of this section the interstate registration form designed by the Federal Election Commission pursuant to section 9 of the National Voter Registration Act, if the interstate form is submitted in accordance with G.S. 163–82.6.

(c) Agency Application Form. — The county board of elections where an applicant resides shall accept as application for any of the purposes set out in subsection (a) of this section a form developed pursuant to G.S. 163–82.19 or G.S. 163–82.20.

"§ 163–82.4. Contents of application form.

(a) Information Requested of Applicant. — The form required by G.S. 163–82.3(a) shall request the applicant's:

(1) Name,

(2) Date of birth,

(3) Residence address,

(4) County of residence,

(5) Date of application,

(6) Gender,

(7) Race,

(8) Political party affiliation, if any, in accordance with subsection (c) of this section,

(9) Telephone number (to assist the county board of elections in contacting the voter if needed in processing the application),

and any other information the State Board finds is necessary to enable officials of the county where the person resides to satisfactorily process the application. The form shall require the applicant to state whether currently registered to vote anywhere, and at what address, so that any prior registration can be cancelled. The county board shall make a diligent effort to complete for the registration records any information requested on the form that the applicant does not complete, but no application shall be denied because an applicant does not state race, gender, or telephone number. The application shall conspicuously state that provision of the applicant's telephone number is optional. If the county board maintains voter records on computer, the free list provided under

this subsection shall include telephone numbers if the county board enters the telephone number into its computer records of voters.

(b) Notice of Requirements, Attestation, Notice of Penalty, and Notice of Confidentiality. — The form required by G.S. 163–82.3(a) shall contain, in uniform type, the following:

(1) A statement that specifies each eligibility requirement (including citizenship) and an attestation that the applicant meets each such requirement, with a requirement for the signature of the applicant, under penalty of a Class I felony under G.S. 163–275(a).

(2) A statement that, if the applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

(3) A statement that, if the applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

(c) Party Affiliation or Unaffiliated Status. — The application form described in G.S. 163–82.3(a) shall provide a place for the applicant to state a preference to be affiliated with one of the political parties in G.S. 163–96, or a preference to be an 'unaffiliated' voter. Every person who applies to register shall state his preference. If the applicant fails to declare a preference for a party or for unaffiliated status, that person shall be listed as 'unaffiliated', except that if the person is already registered to vote in the county and that person's registration already contains a party affiliation, the county board shall not change the registrant's status to 'unaffiliated' unless the registrant clearly indicates a desire in accordance with G.S. 163–82.17 for such a change. An unaffiliated registrant shall not be eligible to vote in any political party primary, except as provided in G.S. 163–116, but may vote in any other primary or general election. The application form shall so state.

**"§ 163–82.5. Distribution of application forms.**

The State Board of Elections shall make the forms described in G.S. 163–82.3 available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration drives.

**"§ 163–82.6. Acceptance of application forms.**

(a) How the Form May Be Submitted. — The county board of elections shall accept any form described in G.S. 163–82.3 if the applicant submits the form by mail or in person. The applicant may delegate the submission of the form to another person.

(b) Signature. — The form shall be valid only if signed by the applicant.

(c) Registration Deadlines for an Election. — In order to be valid for an election, the form:

(1) If submitted by mail, must be postmarked at least 25 days before the election, except that any mailed application on which the postmark is missing or unclear is validly submitted if received in the mail not later than 20 days before the election,

(2) If submitted in person (by the applicant or another person), must be received by the county board of elections by 5:00 p.m. on the twenty–fifth day before the election,

except as provided in subsection (d) of this section.

(d) Instances When Person May Register and Vote on Election Day. — If a person has become qualified to register and vote between the twenty–fifth day before an

election and election day, then that person may apply to register on election day by submitting an application form described in G.S. 163–82.3(a) or (b) to:

(1) A member of the county board of elections;

(2) The county supervisor of elections; or

(3) The chief judge or a judge of the precinct in which the person is eligible to vote,

and, if the application is approved, that person may vote the same day. The official in subdivisions (1) through (3) of this subsection to whom the application is submitted shall decide whether the applicant is eligible to vote. The applicant shall present to the official written or documentary evidence that the applicant is the person he represents himself to be. The official, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to that official as to the applicant's qualifications. If the official determines that the person is eligible, the person shall be permitted to vote in the election and the county board shall add the person's name to the list of registered voters. If the official denies the application, the person shall be permitted to vote a challenged ballot under the provisions of G.S. 163–88.1, and may appeal the denial to the full county board of elections. The State Board of Elections shall promulgate rules for the county boards of elections to follow in hearing appeals for denial of election–day applications to register. No person shall be permitted to register on the day of a second primary unless he shall have become qualified to register and vote between the date of the first primary and the date of the succeeding second primary. For purposes of this subsection, persons who 'become qualified to register and vote' during a time period:

(1) Include those who during that time period are naturalized as citizens of the United States or who are restored to citizenship after a conviction of a felony; but

(2) Do not include persons who reach the age of 18 during that time period, if those persons were eligible to register while 17 years old during an earlier period.

**"§ 163–82.7. Verification of qualifications and address of applicant; denial or approval of application.**

(a) Tentative Determination of Qualification. — When a county board of elections receives an application for registration submitted pursuant to G.S. 163–82.6, the board either:

(1) Shall make a determination that the applicant is not qualified to vote at the address given, or

(2) Shall make a tentative determination that the applicant is qualified to vote at the address given, subject to the mail verification notice procedure outlined in subsection (c) of this section

within a reasonable time after receiving the application.

(b) Denial of Registration. — If the county board of elections makes a determination pursuant to subsection (a) of this section that the applicant is not qualified to vote at the address given, the board shall send, by certified mail, a notice of denial of registration. The notice of denial shall contain the date on which registration was denied, and shall be mailed within two business days after denial. The notice of denial shall inform the applicant of alternatives that the applicant may pursue to exercise the franchise. If the applicant disagrees with the denial, the applicant may appeal the decision under G.S. 163–82.18.

(c) Verification of Address by Mail. — If the county board of elections tentatively determines that the applicant is qualified to vote at the address given, then the county board shall send a notice to the applicant, by nonforwardable mail, at the address the applicant provides on the application form. The notice shall state that the county will register the applicant to vote if the Postal Service does not return the notice as undeliverable to the county board. The notice shall also inform the applicant of the precinct and voting place to which the applicant will be assigned if registered.

(d) Approval of Application. — If the Postal Service does not return the notice as undeliverable, the county board shall register the applicant to vote.

(e) Second Notice if First Notice Is Returned as Undeliverable. — If the Postal Service returns the notice as undeliverable, the county board shall send a second notice by nonforwardable mail to the same address to which the first was sent. If the second notice is not returned as undeliverable, the county board shall register the applicant to vote.

(f) Denial of Application Based on Lack of Verification of Address. — If the Postal Service returns as undeliverable the notice sent by nonforwardable mail pursuant to subsection (e) of this section, the county board shall deny the application. The county board need not try to notify the applicant further.

(g) Voting When Verification Process Is Incomplete. — In cases where an election occurs before the process of verification outlined in this section has had time to be completed, the county board of elections shall be guided by the following rules:

(1) If the county board has made a tentative determination that an applicant is qualified to vote under subsection (a) of this section, then that person shall not be denied the right to vote in person in an election unless the Postal Service has returned as undeliverable two notices to the applicant: one mailed pursuant to subsection (c) of this section and one mailed pursuant to subsection (e) of this section. This subdivision does not preclude a challenge to the voter's qualifications under Article 8 of this Chapter.

(2) If the Postal Service has returned as undeliverable a notice sent within 25 days before the election to the applicant under subsection (c) of this section, then the applicant may vote only in person in that first election and may not vote by mailed absentee ballot. The county board of elections shall establish a procedure at the voting site for:

a. Obtaining the correct address of any person described in this subdivision who appears to vote in person; and

b. Assuring that the person votes in the proper place and in the proper contests.

If a notice mailed under subsection (c) or subsection (e) of this section is returned as undeliverable after a person has already voted by absentee ballot, then that person's ballot may be challenged in accordance with G.S. 163–89.

(3) If a notice sent pursuant to subsection (c) or (e) of this section is returned by the Postal Service as undeliverable after a person has already voted in an election, then the county board shall treat the person as a registered voter but shall send a confirmation mailing pursuant to G.S. 163–82.14(d)(2) and remove or retain the person on the registration records in accordance with that subdivision.

"§ 163–82.8. Voter registration cards.

(a) Authority to Issue Card. — With the approval of the board of county commissioners, the county board of elections may issue to each voter in the county a voter registration card, or may issue cards to all voters registered after January 1, 1995.

(b) Content and Format of Card. — At a minimum, the voter registration card shall:

(1) List the voter's name, address, and voting place;

(2) Contain the address and telephone number of the county board of elections, along with blanks to report a change of address within the county, change of name, and change of party affiliation; and

(3) Be wallet size.

No voter registration card may be issued by a county board of elections unless the State Board of Elections has approved the format of the card.

(c) Ways County Board and Registrant May Use Card. — If the county board of elections issues voter registration cards, the county board may use that card as a notice of tentative approval of the voter's application pursuant to G.S. 163–82.7(c), provided that the mailing contains the statements and information required in that subsection. The county board may also satisfy the requirements of G.S. 163–82.15(b), 163–82.16(b), or 163–82.17(b) by sending the registrant a replacement of the voter registration card to verify change of address, change of name, or change of party affiliation. A registrant may use the card to report a change of address, change of name, or change of party affiliation, satisfying G.S. 163–82.15, 163–82.16, or 163–82.17.

(d) Card as Evidence of Registration. — A voter registration card shall be evidence of registration but shall not preclude a challenge as permitted by law.

(e) Display of Card May Not Be Required to Vote. — No county board of elections may require that a voter registration card be displayed in order to vote.

"§ 163–82.9. Cancellation of prior registration.

If an applicant indicates on an application form described in G.S. 163–82.3 a current registration to vote in any other county, municipality, or State, the county board of elections, upon registering the person to vote, shall send a notice to the appropriate officials in the other county, municipality, or State and shall ask them to cancel the person's voter registration there.

"§ 163–82.10. Official record of voter registration.

(a) Application Form Becomes Official Record. — A completed and signed registration application form described in G.S. 163–82.3, once approved by the county board of elections, becomes the official registration record of the voter. The county board of elections shall maintain custody of the official registration records of all voters in the county and shall keep them in a place where they are secure.

(b) Access to Registration Records. — Upon request by that person, the county board of elections shall provide to any person a list of the registered voters of the county or of any precinct or precincts in the county. The county board may furnish selective lists according to party affiliation, gender, race, date of registration, or any other reasonable category. The county board shall require each person to whom a list is furnished to reimburse the board for the actual cost incurred in preparing it, except as provided in subsection (c) of this section.

(c) Free Lists. — Free lists of all registered voters in the county shall be provided in the following cases:

(1) A county board that maintains voter records on computer shall provide, upon written request, one free list to:

a. The State chair of each political party; and

b. The county chair of each political party

once in every odd–numbered year, once during the first six calendar months of every even–numbered year, and once during the latter six calendar months of every even–numbered year.

(2) A county board that does not maintain voter records on computer shall provide one free paper list every two years to the county chair of each political party.

Each free list shall include the name, address, gender, date of birth, race, political affiliation, voting history, and precinct of each registered voter. The free paper list to the county party chairs shall group voters by precinct. All free lists shall be provided as soon as practicable but no later than 30 days after written request. Each State party chair shall provide the discs or tapes received from the county boards to candidates of that party who request the discs or tapes in writing. Each State party chair shall return discs and tapes to the county boards within 30 days after receiving them. As used in this section, 'political party' means a political party as defined in G.S. 163–96.

**"§ 163–82.11. Establishment of statewide computerized voter registration.**

The State Board of Elections shall develop and implement a statewide computerized voter registration system to facilitate voter registration and to provide a central database containing voter registration information for each county. The system shall encompass both software development and purchasing of the necessary hardware for the central and distributed–network systems.

The State Board of Elections shall develop and implement the system so that each county board of elections can:

(1) Verify that an applicant to register in its county is not also registered in another county;

(2) Be notified automatically that a registered voter in its county has registered to vote in another county; and

(3) Receive automatically data about a person who has applied to vote at a drivers license office or at another public agency that is authorized to accept voter registration applications.

Each county board of elections shall be responsible for registering voters within its county according to law. Each county board of elections shall maintain its own computer file of registered voters in accordance with rules promulgated by the State Board of Elections. Each county board of elections shall transmit through the computer network all additions, deletions, and changes in its list of registered voters promptly to the statewide computer file. The State Board of Elections shall maintain a continually updated duplicate file of each county's registered voters.

**"§ 163–82.12. Promulgation of rules relating to computerized voter registration.**

The State Board of Elections shall make all rules necessary to administer the statewide voter registration system established by this Article. These rules shall include provisions for:

(1) Establishing, developing, and maintaining a computerized central voter registration file;

(2) Linking the central file through a network with computerized voter registration files in each of the counties;

(3) Interacting with the computerized drivers license records of the Division of Motor Vehicles and with the computerized records of other public agencies authorized to accept voter registration applications;

(4) Protecting and securing the data; and

(5) Converting current voter registration records in the counties in computer files that can be used on the statewide computerized registration system.

**"§ 163-82.13. Access to statewide voter registration file.**

(a) Free Copy for Political Parties. — Beginning January 1, 1996, the State Board of Elections shall make available free of charge, upon written request, one magnetic copy of the statewide computerized voter registration file to the chairman of each political party as defined in G.S. 163-96 as soon as practicable after the close of registration before every statewide primary and election. The file made available to the political party chairmen shall contain the name, address, gender, date of birth, race, voting history, political affiliation, and precinct of every registered voter in the State. If a county board enters telephone numbers into its computer lists of registered voters, then the free list provided under this subsection shall include telephone numbers.

(b) Copies for Sale to Others. — Beginning January 1, 1996, the State Board of Elections shall sell, upon written request, to other public and private organizations and persons magnetic copies of the statewide computerized voter registration file. The State Board of Elections may sell selective lists of registered voters according to county, congressional or legislative district, party affiliation, gender, date of birth, race, date of registration, or any other reasonable category, or a combination of categories. The State Board of Elections shall require all persons to whom any list is furnished under this subsection to reimburse the board for the actual cost incurred in preparing it.

**"§ 163-82.14. List maintenance.**

(a) Uniform Program. — The State Board of Elections shall adopt a uniform program that makes a reasonable effort:

(1) To remove the names of ineligible voters from the official lists of eligible voters, and

(2) To update the addresses and other necessary data of persons who remain on the official lists of eligible voters.

That program shall be nondiscriminatory and shall comply with the provisions of the Voting Rights Act of 1965, as amended, and with the provisions of the National Voter Registration Act. The State Board of Elections, in addition to the methods set forth in this section, may use other methods toward the ends set forth in subdivisions (1) and (2) of this subsection, including address-updating services provided by the Postal Service. Each county board of elections shall conduct systematic efforts to remove names from its list of registered voters in accordance with this section and with the program adopted by the State Board.

(b) Death. — The Department of Environment, Health, and Natural Resources, on or before the fifteenth day of March, June, September, and December, shall furnish free of charge to each county board of elections a certified list of the names of deceased persons who were residents of that county. The Department of Environment, Health, and Natural Resources shall base each list upon information supplied by death certifications it received during the preceding quarter. Upon the receipt of the certified list, the county board of elections shall remove from its voter registration records any person the list shows to be dead. The county board need not send any notice to the address of the person so removed.

(c) Conviction of a Felony. —

(1) Report of Conviction Within the State. — The clerk of superior court, on or before the fifteenth day of March, June, September, and December of every year, shall report to the county board of elections of that county the

name, county of residence, and residence address if available, of each individual against whom a final judgment of conviction of a felony has been entered in that county in the preceding calendar quarter. Any county board of elections receiving such a report about an individual who is a resident of another county in this State shall forward a copy of that report to the board of elections of that county as soon as possible.

(2) Report of Federal Conviction. — The Executive Secretary–Director of the State Board of Elections, upon receipt of a notice of conviction sent by a United States Attorney pursuant to section 8(g) of the National Voter Registration Act, shall notify the appropriate county boards of elections of the conviction.

(3) County Board's Duty Upon Receiving Report of Conviction. — When a county board of elections receives a notice pursuant to subdivision (1) or (2) of this subsection relating to a resident of that county and that person is registered to vote in that county, the board shall, after giving 30 days' written notice to the voter at his registration address, and if the voter makes no objection, remove the person's name from its registration records. If the voter notifies the county board of elections of his objection to the removal within 30 days of the notice, the chairman of the board of elections shall enter a challenge under G.S. 163–85(c)(5), and the notice the county board received pursuant to this subsection shall be prima facie evidence for the preliminary hearing that the registrant was convicted of a felony.

(d) Change of Address. — A county board of elections shall conduct a systematic program to remove from its list of registered voters those who have moved out of the county, and to update the registration records of persons who have moved within the county. The county board shall remove a person from its list if the registrant:

(1) Gives confirmation in writing of a change of address for voting purposes out of the county. 'Confirmation in writing' for purposes of this subdivision shall include:

a. A report to the county board from the Department of Transportation or from a voter registration agency listed in G.S. 163–82.20 that the voter has reported a change of address for voting purposes outside the county;

b. A notice of cancellation received under G.S. 163–82.9; or

c. A notice of cancellation received from an election jurisdiction outside the State.

(2) Fails to respond to a confirmation mailing sent by the county board in accordance with this subdivision and does not vote or appear to vote in an election beginning on the date of the notice and ending on the day after the date of the second general election for the United States House of Representatives that occurs after the date of the notice. A county board sends a confirmation notice in accordance with this subdivision if the notice:

a. Is a postage prepaid and preaddressed return card, sent by forwardable mail, on which the registrant may state current address;

b. Contains or is accompanied by a notice to the effect that if the registrant did not change residence but remained in the county, the registrant should return the card not later than the deadline for registration by mail in G.S. 163–82.6(c)(1); and

c. Contains or is accompanied by information as to how the registrant may continue to be eligible to vote if the registrant has moved outside the county.

A county board shall send a confirmation mailing in accordance with this subdivision if the registrant remains on the list, the registrant has not voted in two successive presidential elections or in any election in between, and the county board has not confirmed the registrant's address by another means. The county board may send a confirmation mailing in accordance with this subdivision if the registrant has been identified as residing outside the county through change-of-address information supplied by the Postal Service through its licensees.

**"§ 163-82.15. Change of address within the county.**

(a) Registrant's Duty to Report. — No registered voter shall be required to re-register upon moving from one precinct to another within the same county. Instead, a registrant shall notify the county board of the change of address by the close of registration for an election as set out in G.S. 163-82.6(c). The registrant shall make the notification by means of a voter registration form as described in G.S. 163-82.3, or by another written notice, signed by the registrant, that includes the registrant's full name, former residence address, new residence address, and date of moving from the old to the new address.

(b) Verification of New Address by Mail. — When a county board of elections receives a notice that a registrant in that county has changed residence within the same county, the county board shall send a notice, by nonforwardable mail, to the registrant at the new address. The notice shall inform the registrant of any new precinct and voting place that will result from the change of address, and it shall state whether the registrant shall vote at the new voting place during the upcoming election or at a later election. If the Postal Service returns the county board's notice to the registrant as undeliverable, the county board shall either:

(1) Send a second notice by nonforwardable mail to the new address and, if it is returned as undeliverable, send to the registrant's old address a confirmation notice as described in G.S. 163-82.14(d)(2); or

(2) Send to the registrant's old address a confirmation notice as described in G.S. 163-82.14(d)(2) without first sending a second nonforwardable notice to the new address.

In either case, if the registrant does not respond to the confirmation notice as described in G.S. 163-82.14(d)(2), then the county board shall proceed with the removal of the registrant from the list of voters in accordance with G.S. 163-82.14(d).

(c) Board's Duty to Make Change. — If the county board confirms the registrant's new address in accordance with subsection (b) of this section, the county board shall as soon as practical change the record to reflect the new address.

(d) Unreported Move Within the Same Precinct. — A registrant who has moved from one address to another within the same precinct shall, notwithstanding failure to notify the county board of the change of address before an election, be permitted to vote at the voting place of that precinct upon oral or written affirmation by the registrant of the change of address before a precinct official at that voting place.

(e) Unreported Move to Another Precinct Within the County. — If a registrant has moved from an address in one precinct to an address in another precinct within the same county more than 30 days before an election and has failed to notify the county board of the change of address before the close of registration for that election, the

county board shall permit that person to vote in that election. The county board shall permit the registrant described in this subsection to vote at the registrant's new precinct, upon the registrant's written affirmation of the new address, or, if the registrant prefers, at a central location in the county to be chosen by the county board. If the registrant appears at the old precinct, the precinct officials there shall send the registrant to the new precinct or, if the registrant prefers, to the central location, according to rules which shall be prescribed by the State Board of Elections. At the new precinct, the registrant shall be processed by a precinct transfer assistant, according to rules which shall be prescribed by the State Board of Elections.

(f) When Registrant Disputes Registration Records. — If the registration records indicate that the registrant has moved outside the precinct, but the registrant denies having moved from the address within the precinct previously shown on the records, the registrant shall be permitted to vote at the voting place for the precinct where the registrant claims to reside, if the registrant gives oral or written affirmation before a precinct official at that voting place.

(g) Precinct Transfer Assistants. — The county board of elections shall either designate a board employee or appoint other persons to serve as precinct transfer assistants to receive the election-day transfers of the voters described in subsection (e) of this section. In addition, board members and employees may perform the duties of precinct transfer assistants. The State Board of Elections shall promulgate uniform rules to carry out the provisions of this section, and shall define in those rules the duties of the precinct transfer assistant.

**"§ 163-82.16. Change of name.**

(a) Registrant's Duty to Report. — If the name of a registrant is changed in accordance with G.S. 48-36, G.S. 50-12, or Chapter 101 of the General Statutes, of if a married registrant assumes the last name of the registrant's spouse, the registrant shall not be required to re-register, but shall report the change of name to the county board not later than the last day for applying to register to vote for an election in G.S. 163-82.6. The registrant shall report the change on a form described in G.S. 163-82.3 or on a voter registration card described in G.S. 163-82.8 or in another written statement that is signed, contains the registrant's full names, old and new, and the registrant's current residence address.

(b) Verification of New Name by Mail. — When a county board of elections receives a notice of name change from a registrant in that county, the county board shall send a notice, by nonforwardable mail, to the registrant's residence address. The notice shall state that the registrant's records will be changed to reflect the new name if the registrant does not respond that the name change is incorrect. If the Postal Service returns the county board's notice to the registrant as undeliverable, the county board shall send to the registrant's residence address a confirmation notice as described in G.S. 163-82.14(d)(2).

If the registrant does not respond to the confirmation notice as described in G.S. 163-82.14(d)(2), then the county board shall proceed with the removal of the registrant from the list of voters in accordance with G.S. 163-82.14(d).

(c) Board's Duty to Make Change. — If the county board confirms the registrant's address in accordance with subsection (b) of this section and the registrant does not deny making the application for the name change, the county board shall as soon as practical change the record of the registrant's name to conform to that stated in the application.

(d) Unreported Name Change. — A registrant who has not reported a name change in accordance with subsection (a) of this section shall be permitted to vote if the registrant reports the name change to the chief judge at the voting place, or to the county board along with the voter's application for an absentee ballot.

**"§ 163–82.17. Change of party affiliation.**

(a) Registrant's Duty to Report. — Any registrant who desires to have the record of his party affiliation or unaffiliated status changed on the registration list shall, no later than the last day for making application to register under G.S. 163–82.6 before the election, indicate the change on an application form as described in G.S. 163–82.3 or on a voter registration card described in G.S. 163–82.8. No registrant shall be permitted to change party affiliation or unaffiliated status for a primary, second primary, or special or general election after the deadline for registration applications for that election as set out in G.S. 163–82.6.

(b) Verification of Affiliation Change by Mail. — When a county board of elections receives a notice of change of party affiliation or unaffiliated status from a registrant in that county, the county board shall send a notice, by nonforwardable mail, to the registrant's residence address. The notice shall state that the registrant's records will be changed to reflect the change of status if the registrant does not respond by stating that he does not desire a change in status. The notice shall also inform the registrant of the time that the change of affiliation status will occur, and shall explain the provisions of subsection (d) of this section. If the Postal Service returns the county board's notice to the registrant as undeliverable, the county board shall send to the registrant's residence address a confirmation notice as described in G.S. 163–82.14(d)(2). If the registrant does not respond to the confirmation notice as described in G.S. 163–82.14(d)(2), then the county board shall proceed with the removal of the registrant from the list of voters in accordance with G.S. 163–82.14(d).

(c) Board's Duty to Make Change. — If the county board confirms the registrant's address in accordance with subsection (b) of this section and the registrant does not deny making the application to change affiliated or unaffiliated status, the county board of elections shall as soon as practical change the record of the registrant's party affiliation, or unaffiliated status, to conform to that stated in the application. Thereafter the voter shall be considered registered and qualified to vote in accordance with the change, except as provided in subsection (d) of this section.

(d) Deadline to Change Status Before Primary. — If a registrant applies to change party affiliation or unaffiliated status later than the last day for applying to register under G.S. 163–82.6 before a primary, the registrant shall not be entitled to vote in the primary of a party in which the registrant's status on that last day did not entitle the registrant to vote.

(e) Authority of County Board or Supervisor to Make Correction. — If at any time the chairman or supervisor of elections of the county board of elections is satisfied that an error has been made in designating the party affiliation of any voter on the registration records, then the chairman or supervisor of elections of the county board of elections shall make the necessary correction after receiving from the voter a sworn statement as to the error and the correct status.

**"§ 163–82.18. Appeal from denial of registration.**

(a) Right to Appeal. — Any applicant who receives notice of denial of registration pursuant to G.S. 163–82.7 may appeal the denial within five days after receipt of the notice of denial. The county board of elections shall promptly set a date for a public hearing. The notice of appeal shall be in writing and shall be signed by the appealing

party, shall include the appealing party's name, date of birth, address, and reasons for the appeal.

(b) Hearing Before County Board of Elections. — The county board of elections shall set a date and time for a public hearing and shall notify the appealing party. Every person appealing to the county board of elections from denial of registration shall be entitled to a prompt and fair hearing on the question of the denied applicant's right and qualifications to register as a voter. All cases on appeal to a county board of elections shall be heard de novo.

Two members of the county board of elections shall constitute a quorum for the purpose of hearing appeals on questions of registration. The decision of a majority of the members of the board shall be the decision of the board. The board shall be authorized to subpoena witnesses and to compel their attendance and testimony under oath, and it is further authorized to subpoena papers and documents relevant to any matters pending before the board.

If at the hearing the board shall find that the person appealing from a denial of registration meets all requirements of law for registration as a voter in the county, the board shall enter an order directing that the appellant be registered and assign the appellant to the appropriate precinct. Not later than five days after an appeal is heard before the county board of elections, the board shall give written notice of its decision to the appealing party.

(c) Appeal to Superior Court. — Any person aggrieved by a final decision of a county board of elections denying registration may at any time within 10 days from the date on which he receives notice of the decision appeal to the superior court of the county in which the board is located. Upon such an appeal, the appealing party shall be the plaintiff and the county board of elections shall be the defendant, and the matter shall be heard de novo in the superior court in the manner in which other civil actions are tried and disposed of in that court.

If the decision of the court is that the order of the county board of elections shall be set aside, then the court shall enter its order so providing and adjudging that the plaintiff is entitled to be registered as a qualified voter in the precinct in which he originally made application to register, and in such case the plaintiff's name shall be entered in the registration book of that precinct. The court shall not order the registration of any person in a precinct in which he did not apply to register prior to the proceeding in court.

From the judgment of the superior court an appeal may be taken to the appellate division in the same manner as other appeals are taken from judgments of that court in civil actions.

**"§ 163–82.19. Voter registration at drivers license offices.**

The Division of Motor Vehicles shall, pursuant to the rules adopted by the State Board of Elections, modify its forms so that any eligible person who applies for original issuance, renewal or correction of a drivers license, or special identification card issued under G.S. 20–37.7 may, on a part of the form, complete an application to register to vote or to update his registration if the voter has changed his address or moved from one precinct to another or from one county to another. Any person who willfully and knowingly and with fraudulent intent gives false information on the application is guilty of a Class I felony. The application shall state in clear language the penalty for violation of this section. The necessary forms shall be prescribed by the State Board of Elections. The form must ask for the previous voter registration address of the voter, if any. If a previous address is listed, and it is not in the county

of residence of the applicant, the appropriate county board of elections shall treat the application as an authorization to cancel the previous registration and also process it as such under the procedures of G.S. 163–82.9. If a previous address is listed and that address is in the county where the voter applies to register, the application shall be processed as if it had been submitted under G.S. 163–82.9.

Registration shall become effective as provided in G.S. 163–82.7. Applications to register to vote accepted at a drivers license office under this section until the deadline established in G.S. 163–82.6(c)(2) shall be treated as timely made for an election, and no person who completes an application at that drivers license office shall be denied the vote in that election for failure to apply earlier than that deadline.

All applications shall be forwarded by the Department of Transportation to the appropriate board of elections not later than five business days after the date of acceptance, according to rules which shall be promulgated by the State Board of Elections.

**"§ 163–82.20. Voter registration at other public agencies.**

(a) Voter Registration Agencies. — Every office in this State which accepts:

(1) Applications for a program of public assistance under Article 2 of Chapter 108A of the General Statutes or under Article 13 of Chapter 130A of the General Statutes;

(2) Applications for State–funded State or local government programs primarily engaged in providing services to persons with disabilities, with such office designated by the State Board of Elections; or

(3) Claims for benefits under Chapter 96 of the General Statutes, the Employment Security Law,

is designated as a voter registration agency for purposes of this section.

(b) Duties of Voter Registration Agencies. — A voter registration agency described in subsection (a) of this section shall, unless the applicant declines, in writing, to register to vote:

(1) Distribute with each application for service or assistance, and with each recertification, renewal, or change of address relating to such service or assistance:

a. The voter registration application form described in G.S. 163–82.3(a) or (b); or

b. The voter registration agency's own form, if it is substantially equivalent to the form described in G.S. 163–82.3(a) or (b) and has been approved by the State Board of Elections, provided that the agency's own form may be a detachable part of the agency's paper application or may be a paperless computer process, as long as the applicant is required to sign an attestation as part of the application to register.

(2) Provide a form that contains the elements required by section 7(a)(6)(B) of the National Voter Registration Act; and

(3) Provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application as is provided by the office with regard to the completion of its own forms.

(b1) Provided that voter registration agencies designated under subdivision (a)(3) of this section shall only be required to provide the services set out in this subsection to applicants for new claims, reopened claims, and changes of address under Chapter 96 of the General Statutes, the Employment Security Law.

(c) Home Registration for Disabled. — If a voter registration agency provides services to a person with disability at the person's home, the voter registration agency shall provide the services described in subsection (b) of this section at the person's home.

(d) Prohibitions. — Any person providing any service under subsection (b) of this section shall not:

(1) Seek to influence an applicant's political preference or party registration, except that this shall not be construed to prevent the notice provided by G.S. 163–82.4(c) to be given if the applicant refuses to declare his party affiliation;

(2) Display any such political preference or party allegiance;

(3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(4) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(e) Confidentiality of Declination to Register. — No information relating to a declination to register to vote in connection with an application made at a voter registration agency may be used for any purpose other than voter registration.

(f) Transmittal From Agency to Board of Elections. — Any voter registration application completed at a voter registration agency shall be accepted by that agency in lieu of the applicant's mailing the application. Any such application so received shall be transmitted to the appropriate board of elections not later than five business days after acceptance, according to rules which shall be promulgated by the State Board of Elections.

(g) Twenty–Five–Day Deadline for an Election. — Applications to register accepted by a voter registration agency shall entitle a registrant to vote in any primary, general, or special election unless the registrant shall have made application later than the twenty–fifth calendar day immediately preceding such primary, general, or special election, provided that nothing shall prohibit voter registration agencies from continuing to accept applications during that period.

(h) Ineligible Applications Prohibited. — No person shall make application to register to vote under this section if that person is ineligible to vote on account of age, citizenship, lack of residence for the period of time provided by law, or because of conviction of a felony.

**"§ 163–82.21. Voter registration at military recruitment offices.**

The Executive Secretary–Director, jointly with the Department of Defense, shall develop and implement procedures for persons to apply to register to vote at recruitment offices of the armed forces of the United States in compliance with section 7(c) of the National Voter Registration Act.

**"§ 163–82.22. Voter registration at public libraries.**

Every library covered by G.S. 153A–272 shall make available to the public the application forms described in G.S. 163–82.3, and shall keep a sufficient supply of the forms so that they are always available. Every library covered by G.S. 153A–272 shall designate at least one employee to assist voter registration applicants in completing the form during all times that the library is open.

**"§ 163–82.23. Voter registration at public high schools.**

Every public high school shall make available to its students and others who are eligible to register to vote the application forms described in G.S. 163–82.3, and shall

keep a sufficient supply of the forms so that they are always available. A local board of education may, but is not required to, designate high school employees to assist in completing the forms. Only employees who volunteer for this duty may be designated by boards of education.

**"§ 163–82.24. Statewide training for election officials.**

The State Board of Elections shall conduct training programs in election law and procedures. Every county elections supervisor shall receive training conducted by the State Board at least as often as required in the following schedule:

(1) Once during each odd–numbered year before the municipal election held in the county;

(2) Once during each even–numbered year before the first partisan primary; and

(3) Once during each even–numbered year after the partisan primaries but before the general election.

Every member of a county board of elections shall receive training conducted by the State Board at least once during the six months after the member's initial appointment and at least once again during the first two years of the member's service. The State Board of Elections shall promulgate rules for the training of precinct officials, which shall be followed by the county boards of elections.

**"§ 163–82.25. Mandated voter registration drive.**

The Governor shall proclaim as Citizens Awareness Month the month designated by the State Board of Elections during every even–numbered year. During that month, the State Board of Elections shall initiate a statewide voter registration drive and shall adopt rules under which county boards of elections shall conduct the drives. Each county board of elections shall participate in the statewide voter registration drives in accordance with the rules adopted by the State Board.

**"§ 163–82.26. Rule–making authority.**

The State Board of Elections shall promulgate rules necessary to implement the provisions of this Article."

Sec. 3. G.S. 163–41 reads as rewritten:

"**§ 163–41. Precinct ~~registrars~~ chief judges and judges of election; ~~special registration commissioners;~~ appointment; terms of office; qualifications; vacancies; oaths of office.**

(a) Appointment of ~~Registrar~~ Chief Judge and Judges. — At the meeting required by G.S. 163–31 to be held on the Tuesday following the third Monday in August of the year in which they are appointed, the county board of elections shall appoint one person to act as ~~registrar~~ chief judge and two other persons to act as judges of election for each precinct in the county. Their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. It shall be their duty to conduct the primaries and elections within their respective precincts. Persons appointed to these offices must be registered voters and residents of the precinct for which appointed, of good repute, and able to read and write. Not more than one judge in each precinct shall belong to the same political party as the ~~registrar.~~ chief judge.

The term 'precinct official' shall mean ~~registrars~~ chief judges and judges appointed pursuant to this section, and all assistants appointed pursuant to G.S. 163–42, unless the context of a statute clearly indicates a more restrictive meaning.

No person shall be eligible to serve as a precinct official, as that term is defined above, who holds any elective office under the government of the United States, or of the State of North Carolina or any political subdivision thereof.

No person shall be eligible to serve as a precinct official who is a candidate for nomination or election.

No person shall be eligible to serve as a precinct official who holds any office in a state, congressional district, county, or precinct political party or political organization, or who is a manager or treasurer for any candidate or political party, provided however that the position of delegate to a political party convention shall not be considered an office for the purpose of this subsection.

The chairman of each political party in the county where possible shall recommend two registered voters in each precinct who are otherwise qualified, are residents of the precinct, have good moral character, and are able to read and write, for appointment as ~~registrar~~ chief judge in the precinct, and he shall also recommend where possible the same number of similarly qualified voters for appointment as judges of election in that precinct. If such recommendations are received by the county board of elections no later than the fifth day preceding the date on which appointments are to be made, it must make precinct appointments from the names of those recommended. Provided that if only one name is submitted by the fifth day preceding the date on which appointments are to be made, by a party for judge of election by the chairman of one of the two political parties in the county having the greatest numbers of registered voters in the State, the county board of elections must appoint that person.

If, at any time other than on the day of a primary or election, a ~~registrar~~ chief judge or judge of election shall be removed from office, or shall die or resign, or if for any other cause there be a vacancy in a precinct election office, the chairman of the county board of elections shall appoint another in his place, promptly notifying him of his appointment. If at all possible, the chairman of the county board of elections shall consult with the county chairman of the political party of the vacating official, and if the chairman of the county political party nominates a qualified voter of that precinct to fill the vacancy, the chairman of the county board of elections shall appoint that person. In filling such a vacancy, the chairman shall appoint a person who belongs to the same political party as that to which the vacating member belonged when appointed. If the chairman of the county board of elections did not appoint a person upon recommendation of the chairman of the party to fill such a vacancy, then the term of office of the person appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county board of elections under this Chapter, and any successor must be a person nominated by the chairman of the party of the vacating officer.

If any person appointed ~~registrar~~ chief judge shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the precinct judges of election shall appoint another to act as ~~registrar~~ chief judge until such time as the chairman of the county board of elections shall appoint to fill the vacancy. If such appointment by the chairman of the county board of elections is not a person nominated by the county chairman of the political party of the vacating officer, then the term of office of the person appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county board of elections under this Chapter. If a judge of election shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall

occur on primary or election day for any reason whatever, the ~~registrar~~ chief judge shall appoint another to act as judge until such time as the chairman of the county board of elections shall appoint to fill the vacancy. Persons appointed to fill vacancies shall, whenever possible, be chosen from the same political party as the person whose vacancy is being filled, and all such appointees shall be sworn before acting.

As soon as practicable, following their training as prescribed in G.S. ~~163-80(d),~~ 163-82.24, each ~~registrar~~ chief judge and judge of ~~elections~~ election shall take and subscribe the following oath of office to be administered by an officer authorized to administer oaths and file it with the county board of elections:

> 'I, ....., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State not inconsistent with the Constitution of the United States; that I will administer the duties of my office as ~~registrar~~ chief judge of (judge of ~~elections~~ election in) ..... precinct, ..... County, without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition; and that I will not keep or make any memorandum of anything occurring within a voting booth, unless I am called upon to testify in a judicial proceeding for a violation of the election laws of this State; so help me, God.'

Notwithstanding the previous paragraph, a person appointed ~~registrar~~ chief judge by the judges of election under this section, or appointed judge of election by the ~~registrar~~ chief judge under this section may take the oath of office immediately upon appointment.

Before the opening of the polls on the morning of the primary or election, the ~~registrar~~ chief judge shall administer the oath set out in the preceding paragraph to each assistant, and any judge of ~~elections~~ election not previously sworn, substituting for the words '~~registrar~~ chief judge of' the words 'assistant in' or 'judge of ~~elections~~ election in' whichever is appropriate.

(b) ~~Appointment of Special Registration Commissioners. In each county the county board of elections shall appoint as special registration commissioners the persons required by the next paragraph of this subsection, and may appoint additional persons as special registration commissioners. Special registration commissioners shall serve a term to expire on the date on which registrars and judges are appointed pursuant to subsection (a) of this subsection, and may be removed with cause. A special registration commissioner for a county must be a registered voter of that county.~~

~~In each county, the county chairman of each of the two political parties having the greatest voter registration in the State may each, from time to time until the maximum number of special registration commissioners allowed by this sentence are appointed, recommend voters who are eligible and who are residents of the county for appointment as special registration commissioners in a number not to exceed:~~

- ~~(1) One per 2,500 (or major fraction) residents of the county according to the most recent decennial federal census; or~~
- ~~(2) Five, whichever is greater, but in no case greater than 100. If such recommendations are received by the county board of elections at least seven days prior to the next meeting of the county board of elections, the county board of elections shall at that meeting appoint as special registration~~

~~commissioners the qualified persons on each list. The county board of elections shall meet within 45 days of receiving such nominations.~~

~~No person shall be eligible to serve as a special registration commissioner, who holds any elective office under the government of the United States, or of the State of North Carolina or any political subdivision thereof.~~

~~No person shall be eligible to serve as a special registration commissioner, who serves as chairman of any state, congressional district, county, or precinct political party or political organization.~~

~~No person shall be eligible to serve as a special registration commissioner who is a candidate for nomination or election.~~

~~No special registration commissioner who is the wife, husband, mother, father, son, daughter, brother or sister of any candidate for nomination or election may serve as special registration commissioner during the period beginning when the person files a notice of candidacy or otherwise obtains ballot access and ending on the date of the primary if the candidate is on the primary ballot or ending on the day of the general election if the candidate is on the general election ballot. The county board of elections shall temporarily disqualify the special registration commissioner for that period and shall have authority to appoint a temporary substitute who is a member of the same political party, to serve until the special registration commissioner is no longer disqualified.~~

~~If the commissioner being temporarily replaced was appointed from a list of names which the board of elections was required to appoint one of, then the board of elections must appoint the temporary substitute from a list of two names submitted by the chairman of that political party.~~

~~Before being eligible to take the oath of office, each special registration commissioner must receive the smae training in registering voters as is required of registrars and judges under G.S. 163-80(d).~~

~~Before entering upon his duties each special registration commissioner shall take and subscribe the following oath of office to be administered by an officer authorized to administer oaths and file it with the county board of elections:~~

~~'I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; that I will administer the duties of my office as special registration commissioner for _____ County without fear or favor, to the best of my knowledge and ability, according to law; so help me, God.'~~

Special Registration Commissioners Abolished; Optional Training. — The office of special registration commissioner is abolished. The State Board of Elections and county boards of elections may provide training to persons assisting in voter registration.

(b1) Repealed by Session Laws 1985, c. 387, s. 1.1.

(c) Publication of Names of Precinct Officials. — Immediately after appointing ~~registrars, judges, and special registration commissioners~~ chief judges and judges as herein provided, the county board of elections shall publish the names of the persons appointed in some newspaper having general circulation in the county or, in lieu thereof, at the courthouse door, and shall notify each person appointed of his appointment, either by letter or by having a notice served upon him by the sheriff. Notice may

additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice."

Sec. 4. G.S. 163–47 reads as rewritten:

"**§ 163–47. Powers and duties of ~~registrars~~ chief judges and judges of election.**

(a) The ~~registrars~~ chief judges and judges of election shall conduct the primaries and elections within their respective precincts fairly and impartially, and they shall enforce peace and good order in and about the place of registration and voting. On the day of each primary and general and special election, the precinct ~~registrar~~ chief judge and judges shall remain at the voting place from the time fixed by law for the commencement of their duties there until they have completed all those duties, and they shall not separate nor shall any one of them leave the voting place except for unavoidable necessity.

(b) ~~The registrar shall have in his charge the actual registration of voters within his precinct and shall not delegate this responsibility. On the days required by law, he shall attend the voting place for the registration of new voters and for hearing challenges, but in the performance of these duties the registrar shall be subject to the observance of such reasonable rules and regulations as the county board of elections may prescribe, not inconsistent with law.~~ On the day of an election or primary, the ~~registrar~~ chief judge shall have charge of the registration ~~book~~ list for the purpose of passing on the registration of persons who present themselves at the polls to vote.

(c) The ~~registrars~~ chief judge and judges shall hear challenges of the right of registered voters to vote as provided by law.

(d) The ~~registrars~~ chief judge and judges shall count the votes cast in their precincts and make such returns of the same as is provided by law.

(e) The ~~registrars~~ chief judge and judges shall make such an accounting to the chairman of the county board of elections for ballots and for election supplies as is required by law.

(f) The ~~registrar~~ chief judge and judges of election shall act by a majority vote on all matters not assigned specifically by law to the ~~registrar~~ chief judge or to a judge."

Sec. 5. Wherever the term "registrar" appears in Chapter 163 of the General Statutes, the term shall be changed to read "chief judge".

Sec. 6. Article 4 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163–36. Modified full–time offices.**

The State Board of Elections shall promulgate rules permitting counties that have fewer than 14,001 registered voters to operate a modified full–time elections office to the extent that the operation of a full–time office is not necessary. Nothing in this section shall preclude any county from keeping an elections office open at hours consistent with the hours observed by other county offices."

Sec. 7. Article 10 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163–116. Voting by unaffiliated voter in party primary.**

If a political party has, by action of its State Executive Committee reported to the State Board of Elections by resolution delivered no later than the first day of December preceding a primary, provided that unaffiliated voters may vote in the primary of that party, an unaffiliated voter may vote in the primary of that party by announcing that intention under G.S. 163–150(a). For a party to withdraw its permission, it must do so by action of its State Executive Committee, similarly reported to the State Board of

Elections no later than the first day of December preceding the primary where the withdrawal is to become effective."

Sec. 8. G.S. 18B–601(i) reads as rewritten:

"(i) Observers. — The proponents and opponents for an alcoholic beverage election, as determined by the local board of elections, shall have the right to appoint two ~~watchers~~ observers to attend each voting place. The persons authorized to appoint ~~watchers~~ observers shall, three days before the election, submit in writing to the ~~registrar~~ chief judge of each precinct a signed list of the ~~watchers~~ observers appointed for that precinct. The persons appointed as ~~watchers~~ observers shall be registered voters of the precinct for which appointed. The ~~registrar~~ chief judge and judges for the precinct may for good cause reject any appointee and require that another be appointed. ~~Watchers~~ Observers shall do no electioneering at the voting place nor in any manner impede the voting process, interfere or communicate with or observe any voter in casting his ballot. ~~Watchers~~ Observers shall be permitted in the voting place to make such observation and to take such notes as they may desire."

Sec. 9. G.S. 115C–506 reads as rewritten:

**"§ 115C–506. Action of board of county commissioners or governing body of municipality.**

Petitions requesting special school elections and bearing the approval of the board of education of the local school administrative unit shall be presented to the board of county commissioners, and it shall be the duty of said board of county commissioners to call an election and fix the date for the same: Provided, that the board of education requesting the election may, for any reason deemed sufficient by said board which shall be specified and recorded in the minutes of the board, withdraw the petition ~~before the close of the registration books,~~ by the twenty–fifth day before the election, and if the petition be so withdrawn, the election shall not be held unless by some other provision of law the holding of such election is mandatory. In the case of a city administrative unit in any incorporated city or town and formed from portions of contiguous counties, said petition shall be presented to the governing body of the city or town situated within, coterminous with, or embracing such city administrative unit, and the election shall be ordered by said governing body, and said governing body shall perform all the duties pertaining to said election performed by the board of county commissioners in elections held under this Article."

Sec. 10. G.S. 139–40 reads as rewritten:

**"§ 139–40. Conduct of election.**

(a) There shall be no new registration of voters for such an election. ~~The registration books~~ Registration shall be open for registration of new voters in said county and registration of any and all legal residents of said county, who are or could legally be enfranchised as qualified voters for regular general elections, shall be carried out in accordance with the general election laws of the State of North Carolina as provided for local elections. Notice of such registration of new voters shall be published in a newspaper circulated in said county, once, not less than ~~30~~ 55 days before and not more than ~~40~~ 65 days ~~before, the close of the registration books,~~ before the election, stating the hours and days for registration. The special election, if called, shall be under the control and supervision of the county board of elections.

(b) The form of the question shall be substantially the words 'For Watershed Improvement Tax of Not More Than ..... Cents Per One Hundred Dollar ($100.00) Valuation,' and 'Against Watershed Improvement Tax of Not More Than ..... Cents Per One Hundred Dollar ($100.00) Valuation,' which alternates shall appear separated

from each other on one ballot containing opposite, and to the left of each alternate, squares of appropriate size in one of which squares the voter may make a mark 'X' to designate the voter's choice for or against such tax, provided, the board of county commissioners may vary the aforesaid form of the question to be placed upon the ballot for the watershed improvement tax election in such manner as the board deems appropriate, and the board of elections shall cause to be placed upon the ballot such form of the question as may be requested by the board of county commissioners. The board of county commissioners shall designate the amount of the maximum annual rate of such tax to be levied, which amount may be less than but may not exceed twenty–five cents (25¢) on the one hundred dollar ($100.00) valuation of property in the county, and said amount shall be stated on the ballot in the question to be voted upon. Such ballot shall be printed on white paper and each polling place shall be supplied with a sufficient number of ballots not later than the day before the election. At such special election the election board shall cause to be placed at each voting precinct in said county a ballot box marked 'Watershed Improvement Tax Election'.

(c) The duly appointed judges and other election officials who are named and fixed by the county board of elections shall count the ballots so cast in such election and the results of the election shall be officially canvassed, certified and announced by the proper officials of the board of elections, according to the manner of canvassing, certifying and announcing the elections held under the general election laws of the State as provided for local elections.

(d) If a majority of those voting in such election favor the levying of such a tax, the board of commissioners of such county is authorized to levy a special tax at a rate not to exceed twenty–five cents (25¢) on each one hundred dollars ($100.00) of assessed value of real and personal property taxable in said county, not to exceed the maximum rate of tax approved by the voters in such election, and the General Assembly does hereby give its special approval for the levy of such special tax."

Sec. 11. G.S. 158–17 reads as rewritten:

**"§ 158–17. Registration of voters; election under supervision of county board of elections.**

There shall be no new registration of voters for such an election. ~~The registration books~~ Registration shall be open for registration of new voters in said county and registration of any and all legal residents of said county, who are or could legally be enfranchised as qualified voters for regular general elections, shall be carried out in accordance with the general election laws of the State of North Carolina as provided for local elections. Notice of such registration of new voters shall be published in a newspaper circulated in said county, once, not less than ~~30~~ 55 days before and not more than ~~40~~ 65 days ~~before, the close of the registration books,~~ the election, stating the hours and days for registration. The special election, if called, shall be under the control and supervision of the county board of elections."

Sec. 12. G.S. 163–22(o) reads as rewritten:

"(o) The State Board of Elections shall promulgate minimum requirements for the number of pollbooks, voting machines and curbside ballots to be available at each precinct, such that more of such will be available at general elections and a sufficient number will be available to allow voting without excessive delay. The State Board of Elections shall provide for a training and screening program for ~~registrars~~ chief judges and judges. The State Board of Elections shall provide additional testing of voting machines to ensure that they operate properly even with complicated ballots.

The State Board of Elections shall require counties with voting systems to have sufficient personnel available on election day with technical expertise to make repairs in such equipment, to investigate election day problems, and assist in curbside voting."

Sec. 13. G.S. 163–31 reads as rewritten:

"**§ 163–31. Meetings of county boards of elections; quorum; minutes.**

In each county of the State the members of the county board of elections shall meet at the courthouse or board office at noon on the Tuesday following the third Monday in July in the year of their appointment by the State Board of Elections and, after taking the oath of office provided in G.S. 163–30, they shall organize by electing one member chairman and another member secretary of the county board of elections. On the Tuesday following the third Monday in August of the year in which they are appointed the county board of elections shall meet and appoint precinct ~~registrars~~ chief judges and judges of elections. The board may hold other meetings at such times as the chairman of the board, or any two members thereof, may direct, for the performance of duties prescribed by law. A majority of the members shall constitute a quorum for the transaction of board business. The chairman shall notify, or cause to be notified, all members regarding every meeting to be held by the board.

The county board of elections shall keep minutes recording all proceedings and findings at each of its meetings. The minutes shall be recorded in a book which shall be kept in the board office and it shall be the responsibility of the secretary, elected by the board, to keep the required minute book current and accurate. The secretary of the board may designate the supervisor of elections to record and maintain the minutes under his supervision."

Sec. 14. G.S. 163–32 reads as rewritten:

"**§ 163–32. Compensation of members of county boards of elections.**

In full compensation of their services, members of the county board of elections (including the chairman) shall be paid by the county twenty–five dollars ($25.00) per meeting for the time they are actually engaged in the discharge of their duties, together with reimbursement of expenditures necessary and incidental to the discharge of their duties; provided that members are not entitled to be compensated for more than one meeting held in any one 24–hour period. In its discretion, the board of county commissioners of any county may pay the chairman and members of the county board of elections compensation in addition to the per meeting and expense allowance provided in this paragraph.

In all counties the board of elections shall pay its clerk, assistant clerks, and other employees such compensation as it shall fix within budget appropriations. Counties which adopt full–time and permanent registration shall have authority to pay supervisors of elections ~~and special registration commissioners~~ whatever compensation they may fix within budget appropriations."

Sec. 15. G.S. 163–33(2) reads as rewritten:

"(2) To appoint all ~~registrars,~~ chief judges, judges, assistants, and other officers of elections, and designate the precinct in which each shall serve; and, after notice and hearing, to remove any ~~registrar,~~ chief judge, judge of elections, assistant, or other officer of election appointed by it for incompetency, failure to discharge the duties of office, failure to qualify within the time prescribed by law, fraud, or for any other satisfactory cause. In exercising the powers and duties of this subdivision, the board may act only when a majority of its members are present at any meeting at which such powers or duties are exercised."

Sec. 16. G.S. 163–35(d) reads as rewritten:

"(d) Duties. — The supervisor of elections may be empowered by the county board of elections to perform such administrative duties as might be assigned by the board and the chairman. ~~In addition to any administrative duties the supervisor of elections shall be authorized to receive applications for registration and in pursuit of such authority shall be given the oath required of all registrars.~~ In addition, the supervisor of elections may be authorized by the chairman to execute the responsibilities devolving upon the chairman provided such authorization by any chairman shall in no way transfer the responsibility for compliance with the law. The chairman shall remain liable for proper execution of all matters specifically assigned to him by law.

The county board of elections shall have authority, by resolution adopted by majority vote, to delegate to its supervisor of elections so much of the administrative detail of the election functions, duties, and work of the board, its officers and members, as is now, or may hereafter be vested in the board or its members as the county board of elections may see fit: Provided, that the board shall not delegate to a supervisor of elections any of its quasi–judicial or policy–making duties and authority. Within the limitations imposed upon him by the resolution of the county board of elections the acts of a properly appointed supervisor of elections shall be deemed to be the acts of the county board of elections, its officers and members."

Sec. 17. G.S. 163–42 reads as rewritten:

**"§ 163–42. Assistants at polls; appointment; term of office; qualifications; oath of office.**

Each county and municipal board of elections is authorized, in its discretion, to appoint two or more assistants for each precinct to aid the ~~registrar~~ chief judge and judges. Not more than two assistants shall be appointed in precincts having 500 or less registered voters. Assistants shall be qualified voters of the precinct for which appointed. When the board of elections determines that assistants are needed in a precinct an equal number shall be appointed from different political parties, unless the requirement as to party affiliation cannot be met because of an insufficient number of voters of different political parties within a precinct.

The chairman of each political party in the county shall have the right to recommend from three to 10 registered voters in each precinct for appointment as precinct assistants in that precinct. If the recommendations are received by it no later than the thirtieth day prior to the primary or election, the board shall make appointments of the precinct assistants for each precinct from the names thus recommended.

Before entering upon the duties of the office, each assistant shall take the oath prescribed in G.S. 163–41(a) to be administered by the ~~registrar~~ chief judge of the precinct for which the assistant is appointed. Assistants serve for the particular primary or election for which they are appointed, unless the county board of elections appoints them for a term to expire on the date appointments are to be made pursuant to G.S. 163–41."

Sec. 18. G.S. 163–43 reads as rewritten:

**"§ 163–43. Ballot counters; appointment; qualifications; oath of office.**

The county board of elections of any county may authorize the use of precinct ballot counters to aid the ~~registrars~~ chief judges and judges of election in the counting of ballots in any precinct or precincts within the county. The county board of elections shall appoint the ballot counters it authorizes for each precinct or, in its discretion, the board may delegate authority to make such appointments to the precinct ~~registrar,~~ chief

judge, specifying the number of ballot counters to be appointed for each precinct. A ballot counter must be a resident of that precinct.

No person shall be eligible to serve as a ballot counter, who holds any elective office under the government of the United States, or of the State of North Carolina or any political subdivision thereof.

No person shall be eligible to serve as a ballot counter, who serves as chairman of a state, congressional district, county, or precinct political party or political organization.

No person who is the wife, husband, mother, father, son, daughter, brother or sister of any candidate for nomination or election may serve as ballot counter during any primary or election in which such candidate qualifies.

No person shall be eligible to serve as a ballot counter who is a candidate for nomination or election.

Upon acceptance of appointment, each ballot counter shall appear before the precinct ~~registrar~~ chief judge at the voting place immediately at the close of the polls on the day of the primary or election and take the following oath to be administered by the ~~registrar:~~ chief judge:

'I, ....., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State not inconsistent with the Constitution of the United States; that I will honestly discharge the duties of ballot counter in ..... precinct, ..... County for primary (or election) held this day, and that I will fairly and honestly tabulate the votes cast in said primary (or election); so help me, God.' The names and addresses of all ballot counters serving in any precinct, whether appointed by the county board of elections or by the ~~registrar,~~ chief judge, shall be reported by the ~~registrar~~ chief judge to the county board of elections at the county canvass following the primary or election."

Sec. 19. G.S. 163–45 reads as rewritten:

**"§ 163–45. Observers; appointment.**

The chairman of each political party in the county shall have the right to designate two observers to attend each voting place at each primary and election and such observers may, at the option of the designating party chairman, be relieved during the day of the primary or election after serving no less than four hours and provided the list required by this section to be filed by each chairman contains the names of all persons authorized to represent such chairman's political party. Not more than two observers from the same political party shall be permitted in the voting enclosure at any time. This right shall not extend to the chairman of a political party during a primary unless that party is participating in the primary. In any election in which an unaffiliated candidate is named on the ballot, he or his campaign manager shall have the right to appoint two observers for each voting place consistent with the provisions specified herein. Persons appointed as observers must be registered voters of the precinct for which appointed and must have good moral character. Observers shall take no oath of office.

Individuals authorized to appoint observers must submit in writing to the ~~registrar~~ chief judge of each precinct a signed list of the observers appointed for that precinct. Individuals authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any primary or general election, submit in writing to the chairman of the

county board of elections two signed copies of a list of observers appointed by them, designating the precinct for which each observer is appointed. Before the opening of the voting place on the day of a primary or general election, the chairman shall deliver one copy of the list to the ~~registrar~~ chief judge for each affected precinct. He shall retain the other copy. The chairman, or the ~~registrar~~ chief judge and judges for each affected precinct, may for good cause reject any appointee and require that another be appointed. The names of any persons appointed in place of those persons rejected shall be furnished in writing to the ~~registrar~~ chief judge of each affected precinct no later than the time for opening the voting place on the day of any primary or general election, either by the chairman of the county board of elections or the person making the substitute appointment.

An observer shall do no electioneering at the voting place, and he shall in no manner impede the voting process or interfere or communicate with or observe any voter in casting his ballot, but, subject to these restrictions, the ~~registrar~~ chief judge and judges of elections shall permit him to make such observation and take such notes as he may desire.

Whether or not the observer attends to the polls for the requisite time provided by this section, each observer shall be entitled to obtain at times specified by the State Board of Elections, but not less than three times during election day with the spacing not less than one hour apart, a list of the persons who have voted in the precinct so far in that election day. Counties that use an 'authorization to vote document' instead of poll books may comply with the requirement in the previous sentence by permitting each observer to inspect election records so that the observer may create a list of persons who have voted in the precinct so far that election day; each observer shall be entitled to make the inspection at times specified by the State Board of Elections, but not less than three times during election day with the spacing not less than one hour apart."

Sec. 20. G.S. 163–46 reads as rewritten:

"**§ 163–46. Compensation of precinct officials and assistants.**

The precinct ~~registrar~~ chief judge shall be paid the state minimum wage for his services on the day of a primary, special or general election. Judges of election shall each be paid the state minimum wage for their services on the day of a primary, special or general election. Assistants, appointed pursuant to G.S. 163–42, shall each be paid the state minimum wage for their services on the day of a primary, special or general election. Ballot counters appointed pursuant to G.S. 163–43 shall be paid a minimum of five dollars ($5.00) for their services on the day of a primary, general or special election.

~~Registrars~~ Chief judges shall be paid the sum of twenty dollars ($20.00) per day and judges shall be paid the sum of fifteen dollars ($15.00) per day for attendance at the county canvass, pursuant to G.S. ~~163–173; or for attending the polling place for the purpose of registering voters upon instruction from the chairman of the county board of elections.~~ 163–173.

The chairman of the county board of elections, along with the supervisor of elections, shall conduct an instructional meeting prior to each primary and general election which shall be attended by each ~~registrar~~ chief judge and judge of election, unless excused by the chairman, and such precinct election officials shall be paid the sum of fifteen dollars ($15.00) for attending the instructional meetings required by this section.

In its discretion, the board of county commissioners of any county may provide funds with which the county board of elections may pay ~~registrars,~~ chief judges,

judges, assistants, and ballot counters in addition to the amounts specified in this section. Observers shall be paid no compensation for their services.

A person appointed to serve as ~~registrar~~ chief judge, or judge of election when a previously appointed ~~registrar~~ chief judge or judge fails to appear at the voting place or leaves his post on the day of an election or primary shall be paid the same compensation as the ~~registrar~~ chief judge or judge appointed prior to that date.

For the purpose of this section, the phrase 'the State minimum wage,' means the amount set by G.S. 95–25.3(a). For the purpose of this section, no other provision of Article 2A of Chapter 95 of the General Statutes shall apply."

Sec. 21. G.S. 163–48 reads as rewritten:

**"§ 163–48. Maintenance of order at place of registration and voting.**

The ~~registrar~~ chief judge and judges of election shall enforce peace and good order in and about the place of registration and voting. They shall especially keep open and unobstructed the place at which voters or persons seeking to register or vote have access to the place of registration and voting. They shall prevent and stop improper practices and attempts to obstruct, intimidate, or interfere with any person in registering or voting. They shall protect challenger and witnesses against molestation and violence in the performance of their duties, and they may eject from the place of registration or voting any challenger or witness for violation of any provisions of the election laws. They shall prevent riots, violence, tumult, or disorder.

In the discharge of the duties prescribed in the preceding paragraph of this section, the ~~registrar~~ chief judge and judges may call upon the sheriff, the police, or other peace officers to aid them in enforcing the law. They may order the arrest of any person violating any provision of the election laws, but such arrest shall not prevent the person arrested from registering or voting if he is entitled to do so. The sheriff, ~~constables,~~ police officers, and other officers of the peace shall immediately obey and aid in the enforcement of any lawful order made by the precinct election officials in the enforcement of the election laws. The ~~registrar~~ chief judge and judges of election of any precinct, or any two of such election officials, shall have the authority to deputize any person or persons as police officers to aid in maintaining order at the place of registration or voting."

Sec. 22. G.S. 163–57 reads as rewritten:

**"§ 163–57. Residence defined for registration and voting.**

All ~~registrars and judges,~~ election officials in determining the residence of a person offering to register or vote, shall be governed by the following rules, so far as they may apply:

(1) That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

(2) A person shall not be considered to have lost his residence who leaves his home and goes into another state or county of this State, for temporary purposes only, with the intention of returning.

(3) A person shall not be considered to have gained a residence in any county of this State, into which he comes for temporary purposes only, without the intention of making such county his permanent place of abode.

(4) If a person removes to another state or county within this State, with the intention of making such state or county his permanent residence, he shall be considered to have lost his residence in the state or county from which he has removed.

(5) If a person removes to another state or county within this State, with the intention of remaining there an indefinite time and making such state or county his place of residence, he shall be considered to have lost his place of residence in this State or the county from which he has removed, notwithstanding he may entertain an intention to return at some future time.

(6) If a person goes into another state or county, or into the District of Columbia, and while there exercises the right of a citizen by voting in an election, he shall be considered to have lost his residence in this State or county.

(7) School teachers who remove to a county for the purpose of teaching in the schools of that county temporarily and with the intention or expectation of returning during vacation periods to live in the county in which their parents or other relatives reside, and who do not have the intention of becoming residents of the county to which they have moved to teach, for purposes of registration and voting shall be considered residents of the county in which their parents or other relatives reside.

(8) If a person removes to the District of Columbia or other federal territory to engage in the government service, he shall not be considered to have lost his residence in this State during the period of such service unless he votes there, and the place at which he resided at the time of his removal shall be considered and held to be his place of residence.

(9) If a person removes to a county to engage in the service of the State government, he shall not be considered to have lost his residence in the county from which he removed, unless he demonstrates a contrary intention.

(10) For the purpose of voting a spouse shall be eligible to establish a separate domicile.

(11) So long as a student intends to make his home in the community where he is physically present for the purpose of attending school while he is attending school and has no intent to return to his former home after graduation, he may claim the college community as his domicile. He need not also intend to stay in the college community beyond graduation in order to establish his domicile there. This subdivision is intended to codify the case law."

Sec. 23. G.S. 163–59 reads as rewritten:

"**§ 163–59. Right to participate or vote in party primary.**

No person shall be entitled to vote or otherwise participate in the primary election of any political party unless he

(1) Is a registered voter, and

(2) Has declared and has had recorded on the registration book or record the fact that he affiliates with the political party in whose primary he proposes to vote or participate, and

(3) Is in good faith a member of that party.

Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under G.S. ~~163–74(a1)~~ 163–116 may also vote in the primary if the voter is otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

Any person who will become qualified by age or residence to register and vote in the general election or regular municipal election for which the primary is held, even though not so qualified by the date of the primary, shall be entitled to register for the primary and general or regular municipal election prior to the primary and then to vote

in the primary after being registered. Such person may register not earlier than 60 days nor later than the last day for making application to register under G.S. ~~163-67~~ 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to register and vote in the general election or regular municipal election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections."

Sec. 24. G.S. 163-84 reads as rewritten:

**"§ 163-84. Time for challenge other than on day of primary or election.**

The registration records of each county shall be open to inspection by any registered voter of the county, including any ~~registrar~~ chief judge or judge of elections, during the normal business hours of the county board of elections on the days when the board's office is ~~open pursuant to G.S. 163-67.~~ open. At those times the right of any person to register, remain registered, or vote shall be subject to objection and challenge."

Sec. 25. G.S. 163-85(a) reads as rewritten:

"(a) Right to Challenge; When Challenge May Be Made. — Any registered voter of the county may challenge the right of any person to register, remain registered or vote in such county. No such challenge may be made after the ~~close of the registration books, pursuant to G.S. 163-67,~~ twenty-fifth day before each primary, general, or special election."

Sec. 26. G.S. 163-87 reads as rewritten:

**"§ 163-87. Challenges allowed on day of primary or election.**

On the day of a primary or election, at the time a registered voter offers to vote, any other registered voter of the precinct may exercise the right of challenge, and when he does so may enter the voting enclosure to make the challenge, but he shall retire therefrom as soon as the challenge is heard.

On the day of a primary or election, any other registered voter of the precinct may challenge a person for one or more of the following reasons:

(1) One or more of the reasons listed in G.S. 163-85(c), or

(2) That the person has already voted in that primary or election, or

(3) That the person presenting himself to vote is not who he represents himself to be.

On the day of a party primary, any voter of the precinct who is registered as a member of the political party conducting the primary may, at the time any registrant proposes to vote, challenge his right to vote upon the ground that he does not affiliate with the party conducting the primary or does not in good faith intend to support the candidates nominated in that party's primary, and it shall be the duty of the ~~registrar~~ chief judge and judges of election to determine whether or not the challenged registrant has a right to vote in that primary according to the procedures prescribed in G.S. 163-88; provided that no challenge may be made on the grounds specified in the paragraph against an unaffiliated voter voting in the primary under G.S. 163-74(a1).

If a person is challenged under this subsection, and the challenge is sustained under G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. ~~163-72.3,~~ 163-82.15(e) if eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if the transfer is made. A person who has transferred his registration under G.S. ~~163-72.3~~ 163-82.15(e) may be challenged at the precinct to which the registration is being transferred."

Sec. 27. G.S. 163–88 reads as rewritten:

**"§ 163–88. Hearing on challenge made on day of primary or election.**

A challenge entered on the day of a primary or election shall be heard and decided by the ~~registrar~~ chief judge and judges of election of the precinct in which the challenged registrant is registered before the polls are closed on the day the challenge is made. When the challenge is heard the precinct officials conducting the hearing shall explain to the challenged registrant the qualifications for registration and voting in this State, and shall examine him as to his qualifications to be registered and to vote. If the challenged registrant insists that he is qualified, and if, by sworn testimony, he shall prove his identity with the person in whose name he offers to vote and his continued residence in the precinct since he was registered, one of the judges of election or the ~~registrar~~ chief judge shall tender to him the following oath or affirmation, omitting the portions in brackets if the challenge is heard on the day of an election other than a primary:

'You do solemnly swear (or affirm) that you are a citizen of the United States; that you are at least 18 years of age [or will become 18 by the date of the next general election]; that you have [or will have] resided in this State and in the precinct for which registered for 30 days [by the date of the next general election]; that you are not disqualified from voting by the Constitution and laws of this State; that your name is ....., and that in such name you were duly registered as a voter of this precinct; that you are the person you represent yourself to be; [that you are affiliated with the ..... party]; and that you have not voted in this [primary] election at this or any other voting place. So help you, God.'

If the challenged registrant refuses to take the tendered oath, the challenge shall be sustained, and the precinct officials conducting the hearing shall mark the registration records to reflect their decision, and they shall erase the challenged registrant's name from the pollbook if it has been entered therein. If the challenged registrant takes the tendered oath, the precinct officials conducting the hearing may, nevertheless, sustain the challenge unless they are satisfied that the challenged registrant is a legal voter. If they are satisfied that he is a legal voter, they shall overrule the challenge and permit him to vote. Whenever any person's vote is received after having taken the oath prescribed in this section, the ~~registrar~~ chief judge or one of the judges of election shall write on the registration record and on the pollbook opposite the registrant's name the word 'sworn.'

Precinct election officials conducting hearings on challenges on the day of a primary or election shall have authority to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of the person challenged.

A letter or postal card mailed by returnable mail and returned by the United States Postal Service purportedly because the person no longer lives at that address or because a forwarding order has expired shall not be admissible evidence in a challenge heard under this section which was made under G.S. 163–87."

Sec. 28. G.S. 163–88.1 reads as rewritten:

**"§ 163–88.1. Request for challenged ballot.**

(a) If the decision of the ~~registrar~~ chief judge and judges pursuant to G.S. 163–88 is to sustain the challenge, the challenged voter may request a challenged ballot by submitting an application to the ~~registrar,~~ chief judge, such application shall include as part thereof an affidavit that such person possesses all the qualifications for voting and is entitled to vote at the election. The form of such affidavit shall be prescribed by the State Board of Elections and shall be available at the polls.

(b) Any person requesting a challenged ballot shall have the letter 'C' entered at the appropriate place on the voter's permanent registration record. The voter's name shall be entered on a separate page in the pollbook entitled 'Challenged Ballot,' and serially numbered. The challenged ballot shall be the same type of ballot used for absentee voters, and the ~~registrar~~ chief judge shall write across the top of the ballot 'Challenged Ballot # . . . . .,' and shall insert the same serial number as entered in the pollbook. The ~~registrar~~ chief judge shall deliver to such voter a challenged ballot together with an envelope marked 'Challenged Ballot' and serially numbered. The challenged voter shall forthwith mark the ballot in the presence of the ~~registrar~~ chief judge in such manner that the ~~registrar~~ chief judge shall not know how the ballot is marked. He shall then fold the ballot in the presence of the ~~registrar~~ chief judge so as to conceal the markings and deposit and seal it in the serially numbered envelope. He shall then deliver such envelope to the ~~registrar.~~ chief judge. The ~~registrar~~ chief judge shall retain all such envelopes in an envelope provided by the county board of elections, which he shall seal immediately after the polls close, and deliver to the board chairman at the canvass.

(c) The chairman of the county board of elections shall preserve such ballots in the sealed envelopes for a period of six months after the election. However, in the case of a contested election, either party to such action may request the court to order that the sealed envelopes containing challenged ballots be delivered to the board of elections by the chairman. If so ordered, the board of elections shall then convene and consider each challenged ballot and rule as to which ballots shall be counted. In such consideration, the board may take such further evidence as it deems necessary, and shall have the power of subpoena. If any ballots are ordered to be counted, they shall be added to the vote totals."

Sec. 29. G.S. 163–89 reads as rewritten:

**"§ 163–89. Procedures for challenging absentee ballots.**

(a) Time for Challenge. — The absentee ballot of any voter may be challenged on the day of any statewide primary or general election or county bond election beginning no earlier than noon and ending no later than 5:00 P.M., or by the ~~registrar~~ chief judge at the time of closing of the polls as provided in G.S. ~~163–233~~ 163–232 and G.S. 163–251(b).

(b) Who May Challenge. — Any registered voter of the same precinct as the absentee voter may challenge that voter's absentee ballot.

(c) Form and Nature of Challenge. — Each challenged absentee ballot shall be challenged separately. The burden of proof shall be on the challenger. Each challenge shall be made in writing and, if they are available, shall be made on forms prescribed by the State Board of Elections. Each challenge shall specify the reasons why the ballot does not comply with the provisions of this Article or why the absentee voter is not legally entitled to vote in the particular primary or election. The challenge shall be signed by the challenger.

(d) To Whom Challenge Addressed; to Whom Challenge Delivered. — Each challenge shall be addressed to the county board of elections. It may be filed with the board at its offices or with the ~~registrar~~ chief judge of the precinct in which the challenger and absentee voter are registered. If it is delivered to the ~~registrar,~~ chief judge, the ~~registrar~~ chief judge shall personally deliver the challenge to the chairman of the county board of elections on the day of the county canvass.

(e) Hearing Procedure. — All challenges filed under this section shall be heard by the county board of elections on the day set for the canvass of the returns. All

members of the board shall attend the canvass and all members shall be present for the hearing of challenges to absentee ballots.

Before the board hears a challenge to an absentee ballot, the chairman shall mark the word 'challenged' after the voter's name in the register of absentee ballot applications and ballots issued and in the pollbook of absentee voters.

The board then shall hear the challenger's reasons for the challenge, and it shall make its decision without opening the container–return envelope or removing the ballots from it.

The board shall have authority to administer the necessary oaths or affirmations to all witnesses brought before it to testify to the qualifications of the voter challenged or to the validity or invalidity of the ballot.

If the challenge is sustained, the chairman shall mark the word 'sustained' after the word 'challenged' following the voter's name in the register of absentee ballot applications and ballots issued and in the pollbook of absentee voters; the voter's ballots shall not be counted; and the container–return envelope shall not be opened but shall be marked 'Challenge Sustained.' All envelopes so marked shall be preserved intact by the chairman for a period of six months from canvass day or longer if any contest then is pending concerning the validity of any absentee ballot.

If the challenge is overruled, the absentee ballots shall be removed from the container–return envelopes and counted by the board of elections, and the board shall adjust the appropriate abstracts of returns to show that the ballots have been counted and tallied in the manner provided for unchallenged absentee ballots.

If the challenge was delivered to the board by the ~~registrar~~ chief judge of the precinct and was sustained, the board shall reopen the appropriate ballot boxes, remove such ballots, determine how those ballots were voted, deduct such ballots from the returns, and adjust the appropriate abstracts of returns.

Any voter whose ballots have been challenged may, either personally or through an authorized representative, appear before the board at the hearing on the challenge and present evidence as to the validity of the ballot."

Sec. 30. G.S. 163–105 reads as rewritten:

**"§ 163–105. Payment of expense of conducting primary elections.**

The expense of printing and distributing the poll and registration books, blanks, and ballots for those offices required by G.S. 163–109(b) to be furnished by the State, and the *per diem* and expenses of the State Board of Elections while engaged in the discharge of primary election duties imposed by law upon that Board, shall be paid by the State.

The expenses of printing and distributing the ballots for those offices required by G.S. 163–109(c) to be furnished by counties, and the *per diem* (or salary) and expenses of the county board of elections and the ~~registrars~~ chief judges and judges of election, while engaged in the discharge of primary election duties imposed by law upon them, shall be paid by the counties."

Sec. 31. G.S. 163–106(b) reads as rewritten:

"(b) Eligibility to File. — No person shall be permitted to file as a candidate in a primary if, at the time he offers to file notice of candidacy, he is registered on the appropriate registration book or record as an affiliate of a political party other than that in whose primary he is attempting to file. No person who has changed his political party affiliation or who has changed from unaffiliated status to party affiliation as permitted in G.S. ~~163–74(b),~~ 163–82.17, shall be permitted to file as a candidate in the primary of the party to which he changed unless he has been affiliated with the

political party in which he seeks to be a candidate for at least 90 days prior to the filing date for the office for which he desires to file his notice of candidacy.

A person registered as 'unaffiliated' shall be ineligible to file as a candidate in a party primary election."

Sec. 32. G.S. 163–109(c) reads as rewritten:

"(c) Ballots to Be Furnished by County Board of Elections. — It shall be the duty of the county board of elections to print official ballots for each political party having candidates for the following offices to be voted for in the primary:

Superior court judge,
District court judge,
District attorney,
State Senator,
Member of the House of Representatives of the General Assembly, and
All county offices.

In printing primary ballots, the county board of elections shall be governed by instructions of the State Board of Elections with regard to width, color, kind of paper, form, and size of type.

In its discretion, the county board of elections may print separate primary ballots for the district and county offices listed in this subsection, or it may combine some or all of them on a single ballot. In a primary election, if there shall be 10 or more candidates for nomination to any one office, the county board of elections in its discretion may prepare a separate ballot for said office.

Three days before the primary election, the chairman of the county board of elections shall distribute official State, district, and county ballots to the ~~registrar~~ chief judge of each precinct in his county, and the ~~registrar~~ chief judge shall give him a receipt for the ballots received. On the day of the primary it shall be the ~~registrar's~~ chief judge's duty to have all the ballots delivered to him available for use at the precinct voting place."

Sec. 33. G.S. 163–128(a) reads as rewritten:

"(a) Each county shall be divided into a convenient number of precincts for the purpose of voting, and there shall be at least one precinct encompassed within the territory of each township; provided, however, that upon a resolution adopted by the county board of elections and approved by the Secretary–Director of the State Board of Elections voters from a given precinct within a township may be temporarily transferred, for the purpose of voting, to a precinct in an adjacent township. Any such transfers shall be for the period of time equal only to the term of office of the county board of elections making such transfer. When such a resolution has been adopted by the county board of elections to assign voters from more than one township to the same precinct, then the county board of elections shall maintain separate registration and voting records, consistent with the procedure prescribed by the State Board of Elections, so as to properly identify the township in which such voters reside. Except as provided in G.S. 163–132.2(a)(1), the polling place for a precinct shall be located within the precinct.

Except as provided by Article 12A of this Chapter, the county board of elections shall have power from time to time, by resolution, to establish, alter, discontinue, or create such new election precincts or voting places as it may deem expedient. Upon adoption of a resolution establishing, altering, discontinuing, or creating a precinct or voting place, the board shall give ~~20~~ 45 days' notice thereof prior to the ~~date on which the registration books or records next close pursuant to G.S. 163-67.~~ next primary or

election. Notice shall be given by advertisement in a newspaper having general circulation in the county, by posting a copy of the resolution at the courthouse door, and by mailing a copy of the resolution to the chairman of every political party in the county. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice."

Sec. 34. G.S. 163–129 reads as rewritten:

**"§ 163–129. Structure at voting place; marking off limits of voting place.**

At the voting place in each precinct established under the provisions of G.S. 163–128, the county board of elections shall provide or procure by lease or otherwise a suitable structure or part of a structure in which registration and voting may be conducted. To this end, the county board of elections shall be entitled to demand and use any school or other State, county, or municipal building, or a part thereof, or any other building, or a part thereof, which is supported or maintained, in whole or in part by or through tax revenues provided, however, that this section shall not be construed to permit any board of elections to demand and use any tax exempt church property for such purposes without the express consent of the individual church involved, for the purpose of conducting registration and voting for any primary or election, and it may require that the requisitioned premises, or a part thereof, be vacated for these purposes.

The county board of elections shall inspect each precinct voting place to ascertain how it should be arranged for voting purposes, and shall direct the ~~registrar~~ chief judge and judges of any precinct to define the voting place by roping off the area or otherwise enclosing it or by marking its boundaries. The boundaries of the voting place shall at any point lie no more than 100 feet from each ballot box or voting machine. The space so roped off or enclosed or marked for the voting place may contain area both inside and outside the structure in which registration and voting are to take place."

Sec. 35. G.S. 163–141 reads as rewritten:

**"§ 163–141. Sample ballots.**

Sample ballots of each kind to be voted in each primary and election shall be printed by the board of elections responsible for printing the official ballots. Sample ballots shall be printed on paper of a color different from that used for the official ballots, and each sample ballot shall have the words 'Sample Ballot' printed conspicuously on its face. Sample ballots shall be used for instructional purposes and shall not be used as official ballots.

The State Board of Elections shall distribute the sample ballots for which it is responsible to the county boards of elections at the time it distributes the official ballots; and the county board of elections, at the time it is required to distribute official ballots, shall furnish each precinct ~~registrar~~ chief judge with an adequate supply of the sample ballots prepared by the State Board of Elections as well as of those the county board is required to prepare."

Sec. 36. G.S. 163–142 reads as rewritten:

**"§ 163–142. Number of ballots to be furnished each voting place; packaging; date of delivery; receipt for ballots; accounting for ballots.**

The county board of elections shall furnish each precinct voting place with each kind of ballot to be voted in the primary or election in a number equal to at least eighty percent (80%) of the number of persons registered to vote in the primary or election in the precinct. Provided that in those instances where precincts are provided with less than a number of ballots equal to one hundred percent (100%) of the number of voters

registered to vote in the primary or election in the precinct, the responsible board of elections shall ensure that a number of additional ballots are stored in its offices for distribution to precincts where the need for additional ballots becomes evident so that a number of ballots equal to one hundred percent (100%) of the number of registered voters in the primary or election in each precinct is available.

Each kind of ballot shall be wrapped in a separate package or packages for each precinct voting place. The number of ballots to be placed in each package shall be determined by the chairman of the county board of elections, and the outside of each package shall be marked or stamped to show the kind of ballot and the number contained.

Three days before the primary or election, the county board of elections shall deliver to such precinct ~~registrar~~ chief judge the required number of ballots of each kind to be voted in his precinct, and the ~~registrar~~ chief judge shall immediately give a receipt for the ballots delivered to him in accordance with the information marked or stamped on the ballot packages.

Within three days after the primary or election, the ~~registrar~~ chief judge shall deliver to the county board of elections all ballots spoiled in his precinct. At the same time he shall also deliver to the county board of elections all unused ballots from his precinct. Thereupon, the county board of elections shall make a check to ascertain whether the total of spoiled ballots and unused ballots, when added to the number of ballots cast in the precinct, equal the number of ballots furnished to and receipted for by the ~~registrar~~ chief judge prior to the primary or election.

The provisions of this section shall not apply to voting places at which voting machines are used."

Sec. 37. G.S. 163–143 reads as rewritten:

**"§ 163–143. Ballot boxes to be furnished each voting place; date of delivery; receipt for boxes.**

The county board of elections shall furnish each precinct voting place with a ballot box for each kind of ballot to be voted in the primary or election, together with one additional box in which spoiled ballots are to be deposited. Each box shall be plainly marked to indicate the ballots to be deposited therein, and the extra box to be delivered to each precinct shall be marked 'For Spoiled Ballots.'

Each ballot box shall be designed so that it may be locked and sealed and shall be constructed with an opening in the top large enough to allow a single ballot to be easily passed through, but no larger. At the time ballot boxes are delivered to the precinct, the chairman of the county board of elections shall furnish each ~~registrar~~ chief judge with a lock and proper seals for each box to be used in his precinct, with instructions as to how each box is to be securely locked and sealed in compliance with G.S. 163–171.

Three days before the primary or election, the county board of elections shall deliver to each precinct ~~registrar~~ chief judge the number of ballot boxes required for his precinct, and the ~~registrar~~ chief judge shall immediately give a receipt for them.

The provisions of this section shall not apply to voting places at which voting machines are used."

Sec. 38. G.S. 163–144 reads as rewritten:

**"§ 163–144. Lost, destroyed, damaged, and stolen ballots; replacement; report.**

Should official ballots furnished to any precinct in accordance with the provisions of this chapter be lost, destroyed, damaged, or stolen, the county board of elections, upon

ascertaining that a shortage of ballots exists in the precinct, shall furnish the needed replacement ballots.

Within three days after the primary or election, the ~~registrar~~ chief judge of the precinct in which the loss occurred shall make a written report, under oath, to the county board of elections describing in detail the circumstances of the loss, destruction, damage, or theft of the ballots."

Sec. 39. G.S. 163–146 reads as rewritten:

**"§ 163–146. Voting enclosure at voting place; furnishings; arrangement.**

At each precinct voting place as described in G.S. 163–129, there shall be a room or area set apart as the voting enclosure. The limits of the voting enclosure shall be defined by walls, guardrails, or other boundary markers which at no point stand nearer than 10 feet nor farther than 20 feet from each ballot box or voting machine. This enclosure shall be arranged so that a single door or opening (not more than three feet wide) can be used as the entrance for persons seeking to vote.

Within the voting enclosure and in plain view of the qualified voters present at the voting place shall be placed:

(1) A table or desk on which the ~~registrar~~ chief judge shall place and use the precinct registration books and records.

(2) A table or desk on which the responsible judge shall place and superintend the ballots for distribution and the box for spoiled ballots.

(3) A table or desk on which the responsible judge shall place and maintain the pollbook.

(4) The ballot boxes.

(5) The voting booths.

All voting booths and ballot boxes shall be placed in plain view of the ~~registrar~~ chief judge and judges as well as of the qualified voters present at the voting place.

The ~~registrar's~~ chief judge's table shall be placed near the entrance to the voting enclosure.

Each voting booth shall be located and arranged so that it is impossible for a voter in one booth to see a voter in another booth in the act of marking his ballots. Each voting booth shall be kept properly lighted and provided with pencils or pens for marking ballots.

In precincts in which voting machines are used, ballot boxes and voting booths shall not be used. Within the voting enclosure at the voting place in such a precinct, each machine shall be placed so that the exterior from all its sides is visible and so that whenever it is not in use by a voter the ballot labels on its face may be plainly seen by the precinct officials and assistants, and by observers appointed under the provisions of G.S. 163–45. Precinct election officials and assistants shall not place themselves, nor shall they permit any other person to place himself, in any position that will permit one to see or ascertain how a voter votes on a voting machine except when the voter obtains assistance as provided in this Chapter.

No political banner, poster, or placard shall be allowed in or upon the voting place during the day of a primary or election."

Sec. 40. G.S. 163–147(a) reads as rewritten:

"(a) No person or group of persons shall, while the polls are open at the voting place on the day of the primary or election, loiter about, congregate, distribute campaign material, or do any electioneering within the voting place, or within 50 feet in any direction of the entrance or entrances to the building in which the voting place is located. Notwithstanding the above provision, if the voting place is located in a large

building, the ~~registrar~~ chief judge and judges of the precinct may designate the entrance to the voting place within said building and none of the above activity shall be permitted within 50 feet of said entrance or entrances of said voting place. This section shall not, however, prohibit any candidate for nomination or election from visiting such voting place in person, provided he does not enter the voting enclosure except to cast his vote as a registered voter in said precinct. The county boards of elections and precinct ~~registrars~~ chief judges shall have full authority to enforce the provisions of this section."

Sec. 41. G.S. 163–148 reads as rewritten:

**"§ 163–148. Procedures at voting place before polls are opened.**

At least one–half hour before the time set for opening the polls for each primary and election, the judges of elections and assistants, shall meet the ~~registrar~~ chief judge at the precinct voting place, at which time the ~~registrar~~ chief judge shall administer to them the appropriate oaths set out in G.S. 163–41(a) and G.S. 163–42.

The ~~registrar~~ chief judge and judges shall arrange the voting enclosure according to the requirements of G.S. 163–146 and the instructions of the county board of elections. They shall then unlock the official ballot boxes, see that they are empty, allow authorized observers and other voters present to examine the boxes, and then they shall relock them while still empty. They shall open the sealed packages of ballots, and one of the judges, at the ~~registrar's~~ chief judge's request, shall announce that the polls are open and state the hour at which they will be closed.

If voting machines are used in the precinct, immediately before the polls are opened the ~~registrar~~ chief judge and judges shall open each voting machine, examine the ballot labels, and check the counters to see that they are set to indicate that no votes have been cast or recorded; at the same time, the precinct officials shall allow authorized observers and other voters present to examine the machines. If found to be in order and the ballot labels in proper form, the precinct officials shall lock and seal each machine, and it shall remain locked until after the polls are closed."

Sec. 42. G.S. 163–150 reads as rewritten:

**"§ 163–150. Voting procedures.**

(a) Checking Registration. — A person seeking to vote shall enter the voting enclosure at the voting place through the appropriate entrance and shall at once state his name and place of residence to one of the judges of election. In a primary election, the voter shall also state the political party with which he affiliates and in whose primary he desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. ~~163–74(a1),~~ 163–116, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The judge to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the precinct registration records, the ~~registrar~~ chief judge shall state whether the person seeking to vote is duly registered.

(b) Distribution of Ballots; Information. — If the voter is found to be registered and is not challenged, or, if challenged and the challenge is overruled as provided in G.S. 163–88, the responsible judge of election shall hand him an official ballot of each kind he is entitled to vote. In a primary election the voter shall be furnished ballots of the political party with which he affiliates and no others, except that unaffiliated voters who are permitted to vote in a party primary under G.S. ~~163–74(a1)~~ 163–116 shall be furnished ballots for that primary. No such unaffiliated voter shall vote in the primary of more than one party on the same day. It shall be the duty of the ~~registrar~~

chief judge and judges holding the primary or election to give any voter any information he desires in regard to the kinds of ballots he is entitled to vote and the names of the candidates on the ballots. In response to questions asked by the voter, the ~~registrar~~ chief judge and judges shall communicate to him any information necessary to enable him to mark his ballot as he desires.

(c) Act of Voting. — When a person is given official ballots by the judge, he shall be deemed to have begun the act of voting, and he shall not leave the voting enclosure until he has deposited his ballots in the ballot boxes or returned them to the precinct officials. When he leaves the voting enclosure, whether or not he has deposited his ballots in the ballot boxes, he shall not be entitled to enter the voting enclosure again for the purpose of voting. On receiving his ballots, the voter shall immediately retire alone to one of the voting booths unless he is entitled to assistance under the provisions of G.S. 163–152, and without undue delay he shall mark his ballots in accordance with the provisions of G.S. 163–151.

(d) Spoiled and Damaged Ballots. — If a voter spoils or damages a ballot, he may obtain another upon returning the spoiled or damaged ballot to the ~~registrar.~~ chief judge. A voter shall not be given a replacement ballot until he has returned the spoiled or damaged ballot, and he shall not be given more than three replacement ballots in all. The ~~registrar~~ chief judge shall deposit each spoiled or damaged ballot in the box provided for that purpose.

(e) Depositing Ballots and Leaving Enclosure. — When the voter has marked his ballots he shall leave the voting booth and deposit them in the appropriate boxes or hand them to the ~~registrar~~ chief judge or a judge who shall deposit them for him. If he does not mark a ballot he shall return it to one of the precinct officials before leaving the voting enclosure. If the voter has been challenged and the challenge has been overruled, before depositing his ballots in the boxes he shall write his name on each of his ballots so they may be identified in the event his right to vote is again questioned. After depositing his ballots in the ballot boxes, the voter shall immediately leave the voting enclosure unless he is one of the persons authorized by law to remain within the enclosure for purposes other than voting.

(f) Maintenance of Pollbook or Other Record of Voting. — At each primary, general or special election, the precinct ~~registrar~~ chief judge shall appoint two precinct assistants (one from each political party as recommended by the county chairman thereof), one to be assigned to keep the pollbook or other voting record used in the county as approved by the State Board of Elections, and the other to keep the registration books under the supervision of the precinct officials. The names of all persons voting shall be checked on the registration records and entered on the pollbook or other voting record. In an election where observers may be appointed under G.S. 163–45 each voter's party affiliation shall be entered in the proper column of the book or other approved record opposite his name. The precinct assistant shall make each entry at the time the ballots are handed to the voter. As soon as the polls are closed, the ~~registrar~~ chief judge and judges of election shall sign the pollbook or other approved record immediately beneath the last voter's name entered therein. The ~~registrar~~ chief judge or the judge appointed to attend the county canvass shall deliver the pollbook or other approved record to the chairman of the county board of elections at the time of the county canvass, and the chairman shall remain responsible for its safekeeping.

(g) Occupation of Voting Booth. — Subject to the provisions of G.S. 163–152 and G.S. 163–152.1, no voter shall be allowed to occupy a voting booth or voting machine

already occupied by another voter, provided, however, husbands and wives may occupy the same voting booth if both wish to do so. No voter shall be allowed to occupy a voting booth or voting machine more than five minutes if all the booths or machines are in use and other voters are waiting to obtain booths or machines."

Sec. 43. G.S. 163–152(a)(2) reads as rewritten:

"(2) Procedure for Obtaining Assistance: A person seeking assistance in a primary or general election shall, upon arriving at the voting place, first request the ~~registrar~~ chief judge to permit him to have assistance, stating his reasons. If the ~~registrar~~ chief judge determines that the voter is entitled to assistance, he shall ask the voter to point out and identify the person he desires to help him and to whose assistance he is entitled under this section. The ~~registrar~~ chief judge shall thereupon request the person indicated to render the requested aid. The ~~registrar,~~ chief judge, one of the judges, or one of the assistants may provide aid to the voter if so requested, if the election official is not prohibited by sub–subdivision (a)(1)b. of this section. Under no circumstances shall any precinct official be assigned to assist a voter who qualifies for assistance under this section, who was not specified by the voter."

Sec. 44. G.S. 163–152.1 reads as rewritten:

**"§ 163–152.1. Assistance to blind voters in primaries and elections.**

Any blind voter may record a certificate issued by the Department of Human Resources, by an optometrist or by a physician, stating that the named individual should be entitled to assistance as a blind voter. Upon receipt of such certification the ~~registrar or special registration commissioner~~ appropriate election official shall enter on the voter's registration record the words 'blind voter' so as to establish such fact and so as to entitle such voter to the same assistance in subsequent primaries and elections. The certification presented to the precinct ~~registrar or special registrar~~ chief judge, the county board of elections, or the person accepting the application to register shall be forwarded to the chairman of the county board of elections to be filed as a permanent record with the voter's duplicate registration record as required by G.S. 163–65."

Sec. 45. G.S. 163–153(1) reads as rewritten:

"(1) Officers of election, that is, members of the State Board of Elections, members of the county board of elections, supervisors of elections, and the precinct ~~registrar,~~ chief judge, precinct judges of election, and assistants appointed for the precinct under the provisions of G.S. 163–42."

Sec. 46. G.S. 163–155 reads as rewritten:

**"§ 163–155. Aged and disabled persons allowed to vote outside voting enclosure.**

In any primary or election any qualified voter who is able to travel to the voting place, but because of age, or physical disability and physical barriers encountered at the voting place is unable to enter the voting place or enclosure to vote in person without physical assistance, shall be allowed to vote either in the vehicle conveying such person to the voting place or in the immediate proximity of the voting place under the following restrictions:

(1) The county board of elections shall have printed and numbered a sufficient supply of affidavits to be distributed to each precinct ~~registrar~~ chief judge which shall be in the following form:

'Affidavit of person voting outside voting place or enclosure.

State of North Carolina

County of _____

I do solemnly swear (or affirm) that I am a registered voter in _____ precinct. That because of age or physical disability I am unable to enter the voting place to vote in person without physical assistance. That I desire to vote outside the voting place and enclosure.

I understand that a false statement as to my condition will subject me to a fine not to exceed one thousand dollars ($1,000) or imprisonment not to exceed six months, or both.

_____ _____

Date Signature of Voter

_____

Address

_____

Signature of assistant who administered oath.'

(2) The ~~registrar~~ chief judge shall designate one of the assistants, appointed under G.S. 163–42 to attend the voter. Upon arrival outside the voting place, the voter shall execute the affidavit after being sworn by the assistant. The ballots shall then be delivered to the voter who shall mark the ballots and hand them to the assistant. The ballots shall then be delivered to one of the judges of elections who shall deposit the ballots in the proper boxes. The affidavit shall be delivered to the other judge of election.

(3) The voter shall be entitled to the same assistance in marking the ballots as is authorized by G.S. 163–152.

(4) The affidavit executed by the voter shall be retained by the county board of elections for a period of six months. In those precincts using voting machines, the county board of elections shall furnish paper ballots of each kind for use by persons authorized to vote outside the voting place by this section.

(5) If there is no assistant appointed under G.S. 163–42 to perform the duties required by this section, the precinct ~~registrar~~ chief judge or one of the precinct judges, to be designated by the voter, if he chooses, or, if he does not, by the precinct ~~registrar,~~ chief judge, shall perform those duties.

A violation of this section is a Class 2 misdemeanor."

Sec. 47. G.S. 163–168 reads as rewritten:

**"§ 163–168. Proceedings when polls are closed.**

At the time set by G.S. 163–2 for closing the polls on the day of a primary, general or special election, the precinct ~~registrar~~ chief judge shall announce that the polls are closed, but any qualified voters who are then in the process of voting or who are in line at the voting place waiting to vote, whether or not they are within the voting enclosure or voting place boundaries, shall be allowed to vote.

At closing time, the ~~registrar,~~ chief judge, or a judge designated by the ~~registrar,~~ chief judge, shall enter into the pollbook, on a separate page labeled 'Persons Waiting to Vote at Closing Time in the Primary Election Held the . . . . . Day of. . . . ., 19. . . . .,' the names of all persons then in line at the voting place waiting to vote, beginning with the person last in line and proceeding to the person first in line at closing time. No persons shall be allowed to vote after closing time unless their names are so listed."

Sec. 48. G.S. 163–169 reads as rewritten:

**"§ 163–169. Counting ballots at precincts; unofficial report of precinct vote to county board of elections.**

(a) Instructions. — Before each primary and election, the chairman of the county board of elections shall furnish each ~~registrar~~ chief judge written instructions on how ballots shall be marked and counted. Before starting the counting of ballots in his precinct, the ~~registrar~~ chief judge shall instruct all of the judges, assistants, and ballot counters in how differently marked ballots shall be counted and tallied.

(b) General Rule. — Only official ballots shall be voted and counted. No official ballot shall be rejected because of technical errors in marking it, unless it is impossible to determine the voter's choice under the rules for counting ballots. Such determination shall be made by the county board of elections if the ~~registrar~~ chief judge and judges are unable to determine the voter's choice, or whether a particular ballot should be counted.

(c) Right to Witness Precinct Count. — The counting of the ballots in each box shall be made in the presence of the precinct election officials and witnesses and observers who are present and desire to observe the count. Observers shall not interfere with the orderly counting of the ballots.

(d) Counting to Be Continuous; Precinct Officials Not to Separate. — As soon as the polls are closed the ~~registrar~~ chief judge and judges shall, without adjournment or postponement, open the ballot boxes and count the ballots. The counting of ballots at the precinct shall be continuous until completed. More than one box may be counted at the same time by the precinct officials, assistants, and ballot counters, but the ~~registrar~~ chief judge and judges shall supervise the counting of all boxes and shall be responsible for them. From the time the first ballot box is opened and the count of votes begun until the votes are counted and the statement of returns made out, signed, certified as required by G.S. 163–173, and delivered to the ~~registrar~~ chief judge or judge chosen to deliver them to the county board of elections, the precinct ~~registrar~~ chief judge and judges shall not separate, nor shall any one of them leave the voting place except for unavoidable necessity.

(e) Counting Primary Ballots. — In a primary election the ballots shall be emptied on a table in full view of the precinct election officials, ballot counters, if used, and witnesses present. Identically marked ballots may be arranged in orderly piles to be counted. The results of those counts shall be stated aloud and the totals recorded on the tally sheet. For all other ballots, the name of each candidate voted for shall be read aloud distinctly, and the vote received by each candidate shall be tallied on the tally sheet. This procedure shall be followed for all boxes being counted.

(f) Counting General Election Ballots. — In a general election the contents of a ballot box may be emptied upon a table and the ballots divided into two piles:

(1) All those ballots marked in the circle of one political party to indicate a vote for all of the candidates of that party, that is, 'straight tickets,' which shall be so counted and tallied.

(2) All those ballots marked for candidates of more than one political party, that is, 'split tickets,' which shall be called and tallied in the manner prescribed for counting primary ballots in subsection (e) of this section.

(g) Questioned Ballots. — All questions arising with respect to how a ballot shall be counted or tallied shall be referred to the ~~registrar~~ chief judge and judges of election for determination before the completion of the counting of the ballots in the box from which the questioned ballot was taken.

(h) Unofficial Report of Precinct Returns. — On the night of the primary or election, as soon as the votes have been counted and the precinct returns certified, the ~~registrar,~~ chief judge, or one of the judges selected by the ~~registrar,~~ chief judge, shall report the total precinct vote for each candidate, constitutional amendment, and proposition by telephone or otherwise to the county board of elections. This report shall be unofficial and shall have no binding effect upon the official county canvass to follow. As soon as the precinct reports are received, the chairman, secretary, or clerk to the county board of elections shall publish the reports to the press, radio, and television. The costs incurred in executing the provisions of this subsection shall be charged to the operating expense of the county board of elections.

(i) Absentee Ballots. — Absentee ballots shall be deposited and voted in accordance with the provisions of G.S. 163–234; they shall be counted and tabulated as provided in this section and G.S. 163–170.

(j) Repealed by Session Laws 1977, c. 265, s. 12."

Sec. 49. G.S. 163–171 reads as rewritten:

**"§ 163–171. Preservation of ballots; locking and sealing ballot boxes; signing certificates.**

When the precinct count is completed after a primary or election, all ballots shall be put back in the ballot boxes from which they were taken, and the ~~registrar~~ chief judge and judges shall promptly lock and place a seal around the top of each ballot box, so that no ballot may be taken from or put in it. The ~~registrar~~ chief judge and judges shall then sign the seal on each ballot box. In the alternative, the county board of elections may permit the precinct officials to put the counted ballots back in one ballot box or more to facilitate safekeeping provided the board prescribes an appropriate procedure to keep the different kinds of ballots separated in bundles or bags within the box.

Ballot boxes in which ballots have been placed and which have been locked and sealed as required by the preceding paragraph shall remain in the safe custody of the ~~registrar,~~ chief judge, subject to the orders of the chairman of the county board of elections as to their disposition; provided that ballot boxes with paper ballots shall be delivered in person to the office of the county board of elections; provided further that in the case of paper ballots which have been counted either mechanically or electronically either the counting machines with the paper ballots sealed inside shall be delivered in person to the office of the county board of elections, or the paper ballots shall be placed in ballot boxes, sealed, and those boxes shall be delivered in person to the office of the county board of elections. The ballots and ballot boxes shall be delivered at a time specified by the county board of elections. No ballot box shall be opened except upon the written order of the county board of elections or upon a proper order of court.

Ballots cast in a primary or general election shall be preserved for at least two months after the primary or general election in which voted.

On each precinct return form there shall be printed a statement to be signed by the ~~registrar~~ chief judge and judges certifying that, after the precinct count was completed, each ballot box was properly locked, sealed, and the seals signed, as prescribed in this section, before the precinct officials left the voting place on the night of the primary or election.

Willful failure to securely lock, seal, and sign the seal on each ballot box on the night of any primary or election, and willful failure to sign the certificate on the

duplicate return forms certifying that this was done, shall constitute a Class 2 misdemeanor.

In the event that a recount is requested as provided by law or there is other filing of an appeal of the election results, the county board of elections shall seal and secure the ballots, ballot boxes, and voting machines within a uniform period of time set by the State Board of Elections, to the extent that such actions have not already been taken as required by law. The aforementioned items shall then be stored in locations that are securely locked by members of the county board of elections. In counties that utilize voting machines or voting systems the county board of elections shall be required to store in one location that record on which the official vote cast is recorded."

Sec. 50. G.S. 163–173 reads as rewritten:

**"§ 163–173. How precinct returns are to be made.**

In each precinct, when the results of the counting of the ballots have been ascertained they shall be recorded in original and duplicate statements to be prepared, signed, and certified to by the ~~registrar~~ chief judge and judges on forms provided by the county board of elections.

One of the statements of the voting in the precincts shall be placed in a sealed envelope and delivered to the ~~registrar~~ chief judge or a judge selected by the precinct officials for the purpose of delivery to the county board of elections for review at its meeting on the second day after the primary or election. The other copy of the statement shall either be mailed immediately or delivered in person immediately, as directed by the county board of elections, by one of the other two precinct election officials, to the chairman of the county board of elections or the supervisor of elections if authorized by the chairman to receive the statement.

Any ~~registrar~~ chief judge or judge appointed to deliver the certified precinct returns who shall fail to deliver them to the county board of elections by 12:00 noon, on the day the board meets to canvass the returns shall be guilty of a Class 2 misdemeanor, unless the failure resulted from illness or other good cause."

Sec. 51. G.S. 163–174 reads as rewritten:

**"§ 163–174. Registration and pollbooks to be returned to chairman of county board of elections.**

On the day preceding the county canvass or on the day of the county canvass, following each primary and election, as may be directed by the chairman of the county board of elections, the ~~registrar~~ chief judge (or judge appointed to bring in the precinct returns) shall deliver the precinct registration book or records and the pollbook to the chairman of the county board of elections at the time directed by the chairman."

Sec. 52. G.S. 163–213.7 reads as rewritten:

**"§ 163–213.7. Voting in presidential preference primary; ballots.**

The names of all candidates in the presidential preference primary shall appear at an appropriate place on the ballot or voting machine. In addition the State Board of Elections shall provide a category on the ballot or voting machine allowing voters in each political party to vote an 'uncommitted' or 'no preference' status. The voter shall be able to cast his ballot for one of the presidential candidates of a political party or for an 'uncommitted' or 'no preference' status, but shall not be permitted to vote for candidates or 'uncommitted' status of a political party different from his registration. ~~Persons registered as 'Independents' or 'No Party' shall not participate in the presidential preference primary except upon changing such affiliation in accordance with law.~~ Persons registered as 'Unaffiliated' shall not participate in the presidential primary except as provided in G.S. 163–116."

Sec. 53. G.S. 163–227.2 reads as rewritten:

**"§ 163–227.2. Alternate procedures for requesting application for absentee ballot; 'one–stop' voting procedure in board office.**

(a) A person expecting to be absent from the county in which he is registered during the entire period that the polls are open on the day of an election in which absentee ballots are authorized or is eligible under G.S. 163–226(a)(2) or 163–226(a)(4) may request an application for absentee ballots, complete the application, receive the absentee ballots, vote and deliver them sealed in a container–return envelope to the county board of elections in the county in which he is registered under the provisions of this section.

(b) Not earlier than the day following the ~~day on which the registration books close~~ twenty–fourth day before an election, in which absentee ballots are authorized, in which he seeks to vote and not later than 5:00 P.M. on the Friday prior to that election, the voter shall appear in person only at the office of the county board of elections and request that the chairman, a member, or the supervisor of elections of the board, or an employee of the board of elections, authorized by the board, furnish him with an application form as specified in G.S. 163–227. The voter shall complete the application in the presence of the chairman, member, supervisor of elections or authorized employee of the board, and shall deliver the application to that person.

(c) If the application is properly filled out, the chairman, member, supervisor of elections of the board, or employee of the board of elections, authorized by the board, shall enter the voter's name in the register of absentee ballot applications and ballots issued; shall furnish the voter with the instruction sheets called for by G.S. 163–229(c); shall furnish the voter with the ballots to which the application for absentee ballots applies; and shall furnish the voter with a container–return envelope. The voter thereupon shall comply with the provisions of G.S. 163–231(a) except that he shall deliver the container–return envelope to the chairman, member, supervisor of elections of the board, or an employee of the board of elections, authorized by the board, immediately after making and subscribing the certificate printed on the container–return envelope as provided in G.S. 163–229(b). All actions required by this subsection shall be performed in the office of the board of elections. For the purposes of this section only, the chairman, member, supervisor of elections of the board, or full–time employee, authorized by the board shall sign the application and certificate as the witness and indicate the official title held by him or her. Notwithstanding G.S. 163–231(a), in the case of this subsection, only one witness shall be required on the certificate.

(d) Only the chairman, member or supervisor of elections of the board shall keep the voter's application for absentee ballots and the sealed container–return envelope in a safe place, separate and apart from other applications and container–return envelopes. At the first meeting of the board pursuant to G.S. 163–230(2) held after receipt of the application and envelope, the chairman shall comply with the requirements of G.S. 163–230(1) and 163–230(2) b. and c. If the voter's application for absentee ballots is approved by the board at that meeting, the application form and container–return envelope, with the ballots enclosed, shall be handled in the same manner and under the same provisions of law as applications and container–return envelopes received by the board under other provisions of this Article. If the voter's application for absentee ballots is disapproved by the board, the board shall so notify the voter stating the reason for disapproval by first–class mail addressed to the voter at his residence address or at the address shown in the application for absentee ballots; and the board chairman shall retain the container–return envelope in its unopened condition

until the day of the primary or election to which it relates and on that day he shall destroy the container–return envelope and the ballots therein, without, however, revealing the manner in which the voter marked the ballots.

(e) The voter shall vote his absentee ballot in a voting booth and the county board of elections shall provide a voting booth for that purpose, provided however, that the county board of elections may in the alternative provide a private room for the voter adjacent to the office of the board, in which case the voter shall vote his absentee ballot in that room. The voting booth shall be in the office of the county board of elections. If the voter needs assistance in getting to and from the voting booth and in preparing and marking his ballots or if he is a blind voter, only a member of the county board of elections, the supervisor of elections, an employee of the board of elections authorized by the board, a near relative of the voter as defined in G.S. 163–227(c)(4), or the voter's legal guardian shall be entitled to assist the voter.

(f) Notwithstanding the exception specified in G.S. ~~163–67(b)~~ 163–116, counties which operate a modified full–time office shall remain open five days each week during regular business hours consistent with daily hours presently observed by the county board of elections, commencing with the date prescribed in G.S. 163–227.2(b) and continuing until 5:00 P.M. on the Friday prior to that election or primary. The boards of county commissioners shall provide necessary funds for the additional operation of the office during such time."

Sec. 54. G.S. 163–232 reads as rewritten:

**"§ 163–232. Certified list of executed absentee ballots; distribution of list.**

The chairman of the county board of elections shall prepare, or cause to be prepared, a list in at least quadruplicate, of all absentee ballots returned to the county board of elections to be counted, which have been approved by the county board of elections. At the end of the list, the chairman shall execute the following certificate under oath:

'State of North Carolina

County of .....

I, ....., chairman of the ..... County board of elections, do hereby certify that the foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on the ..... day of ....., 19 ....., which have been approved by the county board of elections. I further certify that I have issued ballots to no other persons than those listed herein, whose original applications or original applications made by near relatives are filed in the office of the county board of elections; and I further certify that I have not delivered ballots for absentee voting to any person other than the voter himself, by mail or in person, except as provided by law, in the case of approved applications received after 5:00 P.M. on the Tuesday or Friday before the election.

This the ..... day of ....., 19 .....

.....

(Signature of chairman of
county board of elections)

Sworn to and subscribed before me this ..... day of ....., 19 ..... Witness my hand and official seal.

.....

(Signature of officer
administering oath)

.....

(Title of officer)'

No earlier than 3:00 P.M. on the day before the election and no later than 10:00 A.M. on election day, the chairman shall cause one copy of the list of executed absentee ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately deposited as 'first–class' mail to the State Board of ~~Elections, Post Office Box 1166, Raleigh, N.C. 27602.~~ Elections. He shall retain one copy in the board office for public inspection and he shall cause two copies of the appropriate precinct list to be delivered to the ~~registrar~~ chief judge of each precinct in the county. The chairman shall be authorized to call upon the sheriff of the county to distribute the list to the precincts. In addition the chairman shall, upon request, provide a copy of the complete list to the chairman of each political party, recognized under the provisions of G.S. 163–96, represented in the county.

The ~~registrar~~ chief judge shall post one copy of the list immediately in a conspicuous location in the voting place and retain one copy until all challenges of absentee ballots have been heard by the county board of elections. Challenges shall be made to absentee ballots as provided in G.S. 163–89.

After receipt of the list of absentee voters required by this section the ~~registrar~~ chief judge shall call the name of each person recorded on the list and enter an 'A' in the appropriate voting square on the voter's permanent registration record. If such person is already recorded as having voted in that election, the ~~registrar~~ chief judge shall enter a challenge which shall be presented to the chairman of the county board of elections for resolution by the board of elections prior to certification of results by the board.

All lists required by this section shall be retained by the county board of elections for a period of four years after which they may then be destroyed."

Sec. 55. G.S. 163–234(5) reads as rewritten:

"(5) As each ballot envelope is opened, the board shall cause to be entered into a pollbook designated 'Pollbook of Absentee Voters' the name of the absentee voter. Preserving secrecy, the ballots shall be placed in the appropriate ballot boxes, at least one of which shall be provided for each type of ballot.

After all ballots have been placed in the boxes, the counting process shall begin.

If a challenge transmitted to the board on canvass day by a ~~registrar~~ chief judge is sustained, the ballots challenged and sustained shall be withdrawn from the appropriate boxes, as provided in G.S. 163–89(e).

As soon as the absentee ballots have been counted and the names of the absentee voters entered in the pollbook as required herein, the board members and assistants employed to count the absentee ballots shall each sign the pollbook immediately beneath the last absentee voter's name entered therein. The chairman shall be responsible for the safekeeping of the pollbook of absentee voters."

Sec. 56. G.S. 163–251(b) reads as rewritten:

"(b) Distribution of List. — No earlier than 3:00 P.M. on the day before the election and no later than 10:00 A.M. on election day, the chairman shall cause one copy of the list of executed military absentee ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately deposited as first–class mail to the State Board of ~~Elections, Post Office Box 1166, Raleigh, North Carolina 27602~~. Elections. The chairman shall retain one copy in the board office for public inspection and he shall cause two copies of the appropriate precinct list to be delivered to the ~~registrar~~ chief judge of each precinct in the county. The ~~registrar~~ chief judge shall post one copy in the voting place and retain one copy until all challenges

of absentee ballots have been heard by the county board of elections. Challenges shall be made as provided in G.S. 163–89.

After receipt of the list of absentee voters required by this section the ~~registrar~~ chief judge shall call the name of each person recorded on the list and enter an 'A' in the appropriate voting square on the voter's permanent registration record, if any. If such person is already recorded as having voted in that election, the ~~registrar~~ chief judge shall enter a challenge which shall be presented to the chairman of the county board of elections for resolution by the board of elections prior to certification of results by the board."

Sec. 57. G.S. 163–251(c) reads as rewritten:

"(c) List Constitutes Registration. — The 'List of Applicants for Military Absentee Ballots to Whom Ballots Have Been Issued' prescribed by this section, when delivered to the ~~registrars~~ chief judges of the various precincts, shall constitute the only precinct registration of the military absentee voters listed thereon whose names are not already entered in the registration records of the appropriate precinct. ~~Registrars~~ Chief judges shall not add the names of persons listed on the military absentee list to the regular registration books of their precincts."

Sec. 58. (a) G.S. 163–274(1) reads as rewritten:

"(1) For any person to fail, as an officer or as a judge or ~~registrar~~ chief judge of a primary or election, or as a member of any board of elections, to prepare the books, ballots, and return blanks which it is his duty under the law to prepare, or to distribute the same as required by law, or to perform any other duty imposed upon him within the time and in the manner required by law;".

(b) G.S. 163–274(2) reads as rewritten:

"(2) For any person to continue or attempt to act as a judge or ~~registrar~~ chief judge of a primary or election, or as a member of any board of elections, after having been legally removed from such position and after having been given notice of such removal;".

(c) G.S. 163–274(4) reads as rewritten:

"(4) For any person to be guilty of any boisterous conduct so as to disturb any member of any election board or any ~~registrar~~ chief judge or judge of election in the performance of his duties as imposed by law;".

(d) G.S. 163–275(8) reads as rewritten:

"(8) For any ~~registrar~~ chief judge or any clerk or copyist to make any entry or copy with intent to commit a fraud;".

(e) G.S. 163–275(10) reads as rewritten:

"(10) For any person to assault any ~~registrar,~~ chief judge, judge of election or other election officer while in the discharge of his duty in the registration of voters or in conducting any primary or election;".

(f) G.S. 163–275(11) reads as rewritten:

"(11) For any person, by threats, menaces or in any other manner, to intimidate or attempt to intimidate any ~~registrar,~~ chief judge, judge of election or other election officer in the discharge of his duties in the registration of voters or in conducting any primary or election;".

(g) G.S. 163–275(12) reads as rewritten:

"(12) For any ~~registrar,~~ chief judge, judge of election, member of a board of elections, assistant, marker, or other election official, directly or indirectly, to seek, receive or accept money or the promise of money, the promise of

office, or other reward or compensation from a candidate in any primary or election or from any source other than such compensation as may be provided by law for his services;".

(h) This section applies to offenses committed on or after January 1, 1995.

Sec. 59. G.S. 163–280(c) reads as rewritten:

"(c) On the Monday following the seventh Saturday before each regular municipal primary or election, the municipal board of elections shall meet and appoint precinct ~~registrars~~ chief judges and judges of elections. The municipal board of elections may then or at any time thereafter appoint a supervisor of elections, who shall have all of the powers and duties of a supervisor of elections to a county board of elections. The board may hold other meetings at such times and places as the chairman of the board, or any two members thereof, may direct, for the performance of duties prescribed by law. A majority of the members shall constitute a quorum for the transaction of business."

Sec. 60. G.S. 163–281 reads as rewritten:

**"§ 163–281. Municipal precinct election officials.**

(a) ~~Registrars~~ Chief Judges and Judges. — At the meeting required by G.S. 163–280(c), the municipal board of elections shall appoint one person to act as ~~registrar~~ chief judge and two other persons to act as judges of election for each precinct in the city. Not more than one judge in each precinct where there are registered voters of more than one political party shall belong to the same political party as the ~~registrar,~~ chief judge, if the municipal elections are on a nonpartisan or partisan basis. If the city and county precincts are identical and the board so chooses, it may decline to exercise its power to appoint precinct ~~registrar~~ chief judge and judges, in which event the persons appointed by the county board of elections as precinct ~~registrar~~ chief judge and judges in each precinct within the city shall serve as such for municipal elections under authority and subject to the supervision and control of the municipal board of elections. Nothing herein shall prohibit a municipal board of elections from using the ~~registrar~~ chief judge and judges of election appointed by the county board of elections in those precincts which are not identical provided the county board of elections agrees, in writing, to such arrangement. ~~Registrars~~ Chief judges and judges shall be appointed for terms of two years. Except as modified by this Article, municipal precinct ~~registrar~~ chief judge and judges shall meet all of the qualifications, perform all the duties, and have all of the powers imposed and conferred on county precinct ~~registrar~~ chief judge and judges by G.S. 163–41(a), G.S. 163–47, and G.S. 163–48. Municipal precinct ~~registrar~~ chief judge and judges shall not have the powers and duties with respect to registration of voters prescribed by G.S. 163–47(b). Immediately after appointing ~~registrar~~ chief judge and judges as herein provided, the municipal board of elections shall publish the names of the persons appointed in some newspaper having a general circulation in the city, or in lieu thereof, by posting at the city hall or some other prominent place within the city, and shall notify each person appointed of his appointment. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice.

(b) Assistants at Polls. — Municipal boards of elections shall have the same authority to appoint assistants to aid the ~~registrar~~ chief judge and judges as is conferred on county boards of elections by G.S. 163–42.

(c) Ballot Counters. — Municipal boards of elections shall have the same authority to appoint ballot counters as is conferred on county boards of elections by G.S. 163–43.

(d) Markers. — Municipal boards of elections shall not appoint markers, and markers shall not be used in municipal elections.

(e) Observers. — In cities holding partisan municipal elections, the chairman of each political party in the county shall have the same authority to appoint observers for municipal elections as he has for county elections under G.S. 163–45.

(f) Compensation. — Precinct officials and assistants appointed under this section shall be paid such sums as the city council may fix. County precinct officials and assistants serving in municipal elections in default of appointment of precinct officials by the municipal board of elections shall be compensated by the city in the sums specified in G.S. 163–46.

(g) Party Chairman Not to Recommend Persons for Appointment. — No municipal, county, State or national chairman of any political party shall have the right to recommend to the municipal board of elections the name of any person for appointment as a precinct ~~registrar,~~ chief judge, judge of elections, assistant or ballot counter.

(h) Designation of Precincts in Which Officials to Serve. — The municipal board of elections may designate the precinct in which each ~~registrar,~~ chief judge, judge, assistant, ballot counter, or observer or other officers of elections shall serve; and, after notice and hearing, may remove any ~~registrar,~~ chief judge, judge, assistant, ballot counter, observer, supervisor of elections or other officers of elections appointed by it for incompetency, failure to discharge the duties of office, failure to qualify within the time prescribed by law, fraud, or for any other satisfactory cause.

(i) Powers and Duties. — Except as otherwise provided in this Chapter, precinct assistants, ballot counters, observers, and supervisors of elections and other officers of elections appointed by the municipal board of elections shall have the same powers and duties with respect to municipal elections as precinct assistants, ballot counters, observers, and supervisors of elections and other officers of elections appointed by county boards of elections."

Sec. 61. Any person who on December 31, 1994, was a registrar under G.S. 163–41 shall be a chief judge under G.S. 163–41.

Sec. 62. G.S. 163–283 reads as rewritten:

**"§ 163–283. Right to participate or vote in party primary.**

No person shall be entitled to vote or otherwise participate in the primary election of any political party unless he

(1) Is a registered voter, and

(2) Has declared and has had recorded on the registration book or record the fact that he affiliates with the political party in whose primary he proposes to vote or participate, and

(3) Is in good faith a member of that party.

Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under G.S. ~~163–74(a1)~~ 163–116 may also vote in the primary if the voter is otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

Any person who will become qualified by age or residence to register and vote in the general election for which the primary is held, even though not so qualified by the date of the primary election, shall be entitled to register while the registration books are open during the regular registration period prior to the primary and then to vote in the

primary after being registered, provided however, under full–time and permanent registration, such an individual may register not earlier than 60 days nor later than the last day for making application to register under G.S. ~~163–67~~ 163–82.6(c) prior to the primary. In addition, persons who will become qualified by age to register and vote in the general election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections."

Sec. 63. G.S. 163–285(3) is repealed.

Sec. 64. G.S. 163–286 reads as rewritten:

**"§ 163–286. Conduct of municipal and special district elections; application of Chapter 163.**

(a) To the extent that the laws, rules and procedures applicable to the conduct of primary, general and special elections by county boards of elections under Articles 3, 4, 5, 6, ~~7,~~ 7A, 8, 9, 10, 11, 12, 13, 14, 15, 19 and 22 of this Chapter are not inconsistent with provisions of this Article, those laws, rules and procedures shall apply to municipal and special district elections and their conduct by the board of elections conducting those elections. The State Board of Elections shall have the same authority over all such elections as it has over county and State elections under those Articles.

(b) Any city, town or incorporated village which elects to conduct its own elections, under the provisions of G.S. 163–285, shall comply with the requirements contained in G.S. 163–280 and G.S. 163–281."

Sec. 65. G.S. 163–287 reads as rewritten:

**"§ 163–287. Special elections; procedure for calling.**

Any city, whether its elections are conducted by the county board of elections or the municipal board of elections, or any special district shall have authority to call special elections as permitted by law. Prior to calling a special election, the city council or the governing body of the special district shall adopt a resolution specifying the details of the election, and forthwith deliver the resolution to the appropriate board of elections. The resolution shall call on the board of elections to conduct the election described in the resolution and shall state the date on which the special election is to be conducted. The special election may be held at the same time as any other State, county or municipal primary, election or special election or referendum, but may not otherwise be held within the period of time beginning 30 days before and ending 30 days after the date of any other primary, election, special election or referendum held for that city or special district.

Legal notice of the special election shall be published no less than ~~20~~ 45 days prior to ~~the date on which the registration books or records close for~~ the special election. The appropriate board of elections shall be responsible for publishing the legal notice. The notice shall state the date and time of the special election, the issue to be submitted to the voters, and the precincts in which the election will be held. This paragraph shall not apply to bond elections."

Sec. 66. G.S. 163–288 reads as rewritten:

**"§ 163–288. Registration for city elections; county and municipal boards of elections.**

~~(a) Where the county board of elections conducts the municipal election,~~ Regardless of whether the municipal election is conducted by the county board of elections or by a municipal board of elections, the registration record of the county board of elections shall be the official registration record for voters to vote in all elections, city, district, county, State or national.

~~(b) Where the municipal board of elections conducts the elections, each such municipality shall purchase only those loose-leaf binders for the registration records that have been approved by the State Board of Elections.~~

~~The loose-leaf registration forms shall be those approved by the State Board of Elections. When completed by each municipal registrant, the forms shall be the official registration record in each municipality and shall be kept in agreement with the county registration records for that registrant. They shall be prepared, completed, maintained and kept current pursuant to the same provisions of Article 7, Chapter 163, as apply to registration records of county boards of elections. They also shall be furnished by the State Board of Elections, through the respective county boards of elections, to the municipalities.~~

~~Every municipal board of elections conducting the elections in any city, town, or incorporated village shall secure and install those binders and loose-leaf forms required by this section no later than January 1, 1973, or no later than 90 days after any such municipality elects to conduct its own elections.~~

~~(c) Registration of voters and preparation of registration books for city elections in cities electing to conduct their own elections shall be conducted under one of the following alternative methods:~~

~~(1) METHOD A. — A permanent, full-time registration office shall be established in a convenient place within a city, and the municipal board of elections shall appoint a special registration commissioner to be in charge of the office, and the commissioner shall have full power and authority to register voters who reside within the city without regard to their precinct or county of residence. A municipal board of elections may appoint special registration commissioners notwithstanding the population limitation contained in G.S. 163-67(b).~~

~~(2) METHOD B. — The municipal board of elections may contract with the county board of elections to prepare two extra sets of registration forms for each person who registers with the county board of elections and who resides in the municipality which negotiates such agreement. Any such agreement shall be in writing and shall be on such terms as is agreeable to the majority of the county board of elections involved.~~

~~(3) (For effective date see note) METHOD C. — The county board of elections shall permit the municipal board of elections to copy county registration books from the precinct binder record or from the duplicate required to be maintained by said county board of elections. During the period beginning on the last day for making application to register under G.S. 163-67, the municipal board of elections shall compare the municipal registration books with the appropriate county books and shall add or delete registration certificates in order that the city and county records shall agree. The precincts established for municipal elections may differ from those established by the county board of elections.~~

~~(4) METHOD D. — The county board of elections may, in its sole discretion, deliver to the municipal board of elections the county precinct registration books for each precinct wholly or partially located within the city, and these books shall be used in conducting the municipal elections.~~

~~(d) The State Board of Elections shall have authority to promulgate rules and regulations for the detailed administration of each alternative method of registration offered by this section.~~

~~(e) Each city, town or incorporated village electing to conduct its own elections shall select one of the registration methods offered by this section by joint agreement with the appropriate county boards of elections, subject to the approval of the State Board of Elections. The selection of method shall be evidenced by concurrent resolutions of the city council and each affected county board of elections, which shall be filed with the State Board of Elections, and which shall become effective upon the State Board's approval thereof. Provided, however, if METHOD A is selected, the municipal board of elections shall only be required to send a copy of the resolution to the State Board of Elections and the county board of elections. If the city and the county board of elections fail to agree then METHOD C shall be used.~~"

Sec. 67. G.S. 163–288.2 reads as rewritten:

"**§ 163–288.2. Registration in area proposed for incorporation or annexed.**

(a) Whenever the General Assembly incorporates a new city and provides in the act of incorporation for a referendum on the question of incorporation or for a special election for town officials or for both, or whenever an existing city or special district annexes new territory under the provisions of Chapter 160A, Article 4A, or other general or local law, the board of elections of the county in which the proposed city is located or in which the newly annexed territory is located shall determine those individuals eligible to vote in the referendum or special election or in the city or special district elections. In determining the eligible voters the board may, in its discretion, use either of the following methods:

METHOD A. — The board of elections shall prepare a list of those registered voters residing within the proposed city or newly annexed territory. The board shall make this list available for public inspection in its office for a two–week period ending on the ~~last day for making application to register under G.S. 163–67~~ twenty–fifth day before the day of the referendum or special election, or the next scheduled city or special district election. During this period, any voter resident within the proposed city or newly annexed territory and not included on the list may cause his name to be added to the list. At least one week and no more than two weeks before the day the period of public inspection is to begin, the board shall cause notice of the list's availability to be posted in at least two prominent places within the proposed city or newly annexed territory and may cause the notice to be published in a newspaper of general circulation within the county. The notice shall state that the list has been prepared, that only those persons listed may vote in the referendum or special election, that the list will be available for public inspection in the board's office, that any qualified voter not included on the list may cause his name to be added to the list during the two–week period of public inspection, and that persons in newly annexed territory should present themselves so their registration records may be activated for voting in city or special district elections in the newly annexed territory. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice.

METHOD B. — The board of elections shall conduct a special registration of eligible persons desiring to vote in the referendum or special election or in the newly annexed territory. The registration records shall be open for a two–week period (except Sundays) ending on the ~~last day for making application to register under G.S. 163–67~~ twenty–fifth day before the day of the referendum or special election or the next scheduled city or special district election. On the two Saturdays during that two–week period, the records shall be located at the voting place for the referendum or special election or the next scheduled city or special district election; on the other days it may,

in the discretion of the board, be kept at the voting place, at the office of the board, or at the place of business of a person designated by the board to conduct the special registration. At least one week and no more than two weeks before the day the period of special registration is to begin, the board shall cause notice of the registration to be posted in at least two prominent places within the proposed city or newly annexed territory and may cause the notice to be published in a newspaper of general circulation within the county. The notice shall state the purpose and times of the special registration, the location of the registration records, that only those persons registered in the special registration may vote in the referendum or special election, and that persons in newly annexed territory should present themselves so their registration records may be activated for voting in city or special district elections in the newly annexed territory. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice.

(b) Only those persons registered pursuant to this section may vote in the referendum or special election, provided, however, that in cases where voters are activated under either Method A or B to vote in a city or special district that annexes territory, the city or special district shall permit them to vote in the city or special district's election and shall, as well, permit other voters to vote in such elections who did not register under the provisions of this section if they are otherwise registered, qualified and eligible to vote in the same."

Sec. 68. G.S. 163–295 reads as rewritten:

"**§ 163–295. Municipal and special district elections; application of Chapter 163.**

To the extent that the laws, rules and procedures applicable to the conduct of primary, general or special elections by county boards of elections under Articles 3, 4, 5, 6, ~~7,~~ 7A, 8, 9, 10, 11, 12, 13, 14, 15, 19 and 22 of this Chapter are not inconsistent with the provisions of this Article, those laws, rules and procedures shall apply to municipal and special district elections and their conduct by the board of elections conducting those elections. The State Board of Elections shall have the same authority over all such elections as it has over county and State elections under those Articles."

Sec. 69. G.S. 163–132.1, which was enacted by Section 205(a) of Chapter 757 of the 1985 Session Laws (First Session 1985) and was repealed by Section 2 of Chapter 1074 of the 1987 Session Laws (Regular Session 1988) is reenacted and reads as rewritten:

"**§ 163–132.1. ~~Voluntary participation~~ Participation in Block Boundary Suggestion ~~Program.~~ Program of the United States Bureau of the Census.** — The State of North Carolina shall participate in the Block Boundary Suggestion Program of the United States Bureau of the Census to the end that the maps the Census Bureau will use in the 2000 Census will contain adequate features to permit reporting of Census data by precinct for use in the 2001 redistricting efforts. Not later than December 1, ~~1985,~~ 1995, the Legislative Services Office shall ~~poll~~ send preliminary maps produced by the Census Bureau in preparation for the 2000 Census to the county boards of elections to determine which of their precincts have boundaries that are not coterminous with a ~~major~~ physical feature, ~~as identified under the criteria to be established pursuant to 13 U.S.C. § 141 (c),~~ a current township boundary, or a current municipal ~~boundary.~~ boundary, as shown on those preliminary 2000 Census maps. The Legislative Services Office shall:

(1) assist county boards of elections in identifying the precincts with ~~those nonconforming boundaries;~~ boundaries not shown on the preliminary Census

maps and in identifying physical features the county boards may wish to have available for future precinct boundaries;

(2) place those boundaries and features on maps deemed appropriate by the State Board;

(3) request the U.S. Census Bureau to hold for census block identification in the ~~1990~~ 2000 U.S. Census all ~~major physical features on the map near the nonconforming precinct boundary;~~ physical features the county boards have identified as current or potential precinct boundaries; and

(4) request the U.S. Census Bureau to hold for census block identification in the ~~1990~~ 2000 U.S. Census all other ~~major~~ physical features already on U.S. Census Bureau maps.

In addition to the directives promulgated by the Executive Secretary–Director of the State Board of Elections under G.S. 163–132.4, the Legislative Services Commission may promulgate rules to implement this section."

Sec. 70. G.S. 163–132.2(a)(1)c. reads as rewritten:

"c. The following visible physical features, readily distinguishable upon the ground:

1. Roads or streets;
2. Water features or drainage features;
3. Ridgelines;
4. Ravines;
5. Jeep trails;
6. Rail features; ~~or~~
7. Above–ground power ~~lines~~ lines; or
8. Major footpaths

as certified by the North Carolina Department of Transportation on its highway maps or the ~~planning department~~ county manager of the relevant county or, if there is no county manager, the chair of the county board of commissioners, on official county maps."

Sec. 71. G.S. 163–132.3(a)(3) reads as rewritten:

"(3) The following visible physical features, readily distinguishable upon the ground:

a. Roads or streets;
b. Water features or drainage features;
c. Ridgelines;
d. Ravines;
e. Jeep trails;
f. Rail features; ~~or~~
g. Above–ground power ~~lines~~ lines; or
h. Major footpaths

as certified by the North Carolina Department of Transportation on its highway maps or the ~~planning department~~ county manager of the relevant county or, if there is no county manager, the chair of the county board of commissioners, on official county maps."

Sec. 72. Notwithstanding the language of G.S. 163–72.4(c), a voter registration application is valid if, before January 1, 1995, the applicant submits the form by mail or in person. The applicant may delegate the submission of the form to another person. The form shall be valid only if signed by the applicant. Before January 1, 1995, in order to be valid for an election, the form:

(1) If submitted by mail, must be postmarked at least 29 days before the election, except that any mailed application on which the postmark is missing or unclear is validly submitted if received in the mail not later than 25 days before the election,

(2) If submitted in person (by the applicant or another person), must be received by the county board of elections by 5:00 p.m. on the twenty–ninth day before the election.

Sec. 73. Sections 1 through 68 of this act become effective January 1, 1995, and apply to all primaries and elections occurring on or after that date. The remainder of this act is effective upon ratification and shall apply to all primaries and elections occurring on or after the date of ratification. Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences. G.S. 163–82.20(a)(3) and G.S. 163–82.20(b1) as enacted in Section 2 of this act expire January 1, 1996.

On motion of Senator Plexico, the Conference Report is adopted (30–2), changing the title, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

**S.B. 1579** (House Committee Substitute), an act to make technical, conforming, and administrative changes to the motor vehicle laws and other laws concerning the Department of Transportation. (Ch. 761)

## MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

**S.B. 28** (Committee Substitute No. 2), a bill to amend the Constitution to change the composition of the State Board of Education, to make the Superintendent of Public Instruction an appointee of the State Board of Education, and to make corresponding statutory changes, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 28** (House Committee Substitute), a bill to amend the Constitution to streamline education governance and to clarify who shall be responsible for the supervision and administration of the free public school system by vesting in the Superintendent of Public Instruction the power and duty to supervise and administer the free public school system after consultation with the State Board of Education, to provide that the members of the State Board of Education shall be appointed from the State's congressional districts for terms of four years and to require that the Joint Legislative Education Oversight Committee report to the 1995 General Assembly so that it may consider corresponding statutory changes.

Recommitted to the **Constitution and Election Laws Committee.**

Pursuant to Rule 47(b), Senator Hyde immediately arises and offers a motion that the House Committee Substitute bill be recalled from the **Constitution and Election**

**Laws Committee** and placed before the Senate for immediate consideration, upon concurrence, which motions prevail.

The Chair orders the House Committee Substitute bill taken from the **Constitution and Election Laws Committee** and places the measure before the Senate for immediate consideration upon concurrence.

Senator Conder offers a motion that the House Committee Substitute bill do lie upon the table, seconded by Senator Perdue, which motion prevails. The House Committee Substitute bill lies upon the table.

Senator Lee rises to a point of personal privilege and offers comments recognizing the service of Senator Russell Walker who is retiring upon the completion of his tenth consecutive term in the North Carolina Senate representing the Sixteenth Senatorial District, as follows:

**By Senator Lee**:

"Mr. President and Members of the Senate, I want to take a little bit different direction. Mr. President and Members of the Senate, I feel blessed, throughout my lifetime, to have gotten to know a lot of very special people. Some of those people are retiring from this Body, and I feel blessed to have gotten to know them. Some of them knew me prior to my joining State government in the mid 70s; some I got to know after I had joined State government as a member of the Governor's Cabinet in the late 70s; but there is one among those who are retiring who has grown very special to me through the years and that is my seatmate, Senator Russell Walker.

"I had the great privilege of getting to know Senator Walker in 1972 when he was working as a key member of the Nick Galifianakis for Senate campaign and I, as a key member of the Skipper Bowles for Governor campaign. Russell and I hit it off in a warm and attractive manner to each other at that time, and through the years have interacted with our families and social settings and political settings. And little did I know, when in 1974, he decided to run for the State Senate and made his first trip to Chapel Hill to engage in politics and I, as Mayor at that time, carried him around—little did I know that some day I would have the great honor and pleasure of serving as the junior Senator from our District and as his seatmate.

"During those years from 1990 when I was appointed to this Body, while we have campaigned together throughout the 16th District, our friendship has grown stronger, our relationship has grown closer, and I have come to appreciate Russell Walker in a much deeper and a much–loved way than I could have otherwise. It is amazing how well men can get to know each other when they're stuck in a car for hours traveling from one place to the other. And the things we talked about—the subjects. I have learned a great deal from Russell because Russell is a man with great wisdom. I have the deepest respect for him. And it has been a joy to have learned how to function within this Body in cooperation with him. I have no doubt that because I had such a well–respected colleague and a person who was so patient and one who was willing to help me learn the processes of this Body, that I have become the effective Senator, as effective as I am, in this Body. I owe Russell a great debt of gratitude to which I express to him now. I shall miss him as a member of this Body. I shall miss him as my seatmate. I am grateful that this State had the opportunity to have such an outstanding human being serve the people of this State.

"One final point. I know of no man who is more compassionate, who is more caring, and who is more dedicated to those who are the helpless, to those who are without hope, to those people who sometimes cannot fare for themselves. I don't

know how many people in this State will know what a great champion they had in Russell Walker. He is a great humanist and I hope someday when historians sit to write about this time, that his name will be permanent in the pages of history because generations to come need to know that we had, among many, another outstanding person who served. Russell, thank you very much for allowing me to be associated with you as your seatmate and thank you for serving the people of this State."

The Senate acknowledges Senator Walker with a prolonged standing ovation.

Pursuant to the motion of Senator Basnight, the comments of Members speaking to points of personal privilege are as follows:

**By Senator Basnight:**

"Thank you, Mr. President, a point of personal privilege. Members of the Senate, there is not many people in life that you associate with that give or contribute as much as Senator Walker does. I can't explain to you in the words that I feel now as I would like to be able to about this man, this friend, this North Carolinian. Senator Lee, your explanation of a friend and a person that has given North Carolina so much was tremendous and certainly at the appropriate time when we adjourn today, I hope, Mr. President, that the words and comments of Senator Lee that they be appropriately shared with Senator Walker and his family in some documented form, that he can hold and keep for the lifetime that he's been with us and for his families that will follow behind. And certainly the comments made by Senator Lee and each and every other Senator that will be made today during the course of this final day of our Session be spread upon the Journal for all to read in the future time of history.

"Russell, my first experience with you was in one of your efforts to convince the leadership some years ago that they had done a wrong to a certain group of people in North Carolina, it was the mentally retarded at one time, and you had valiantly fought their battle to make that change in the House Appropriations, and I remember it was not a very pleasant time, if you recall, but you never staggered. You never hesitated in your belief that we were wrong and that we were not doing those people as we should be doing. And so he fought the leadership and I believe at some personal cost that day. But because of that fight a change was made that day and before we left Raleigh. And each and every year that I've been here, Senator Walker would surface to make some budget adjustment. It happened again this year. And for those years that I've seen you, you've done it for the good of others that just don't have the ability to help themselves. You've never done anything personal for whatever would have advanced your opportunities in life. Russell, I am certain and I am sure just as every person who knows you, you will certainly go down in our minds as one of North Carolina's finest. I thank you, and I know whoever follows you can't replace you."

**By Senator Walker:**

"Thank you, Mr. President. It is pretty difficult after having all of these things said about a person who has served here and has really had many rewards as opposed to having all of these accolades. Senator Harris and some of us had said we would sort of do this thing together today since were were all leaving and I suppose, Senator Harris, this is about as good a time as any for us to sort of take our leave.

"I thank all of you and all of the things that have been said. I have been a very blessed person. And serving early on, of course, with some military career and the business career and then having the opportunity to come and serve in this Body and to work with so many, many fine people. I don't think anybody could have any

higher honor than having served here in this North Carolina General Assembly, and especially in the Senate and serve with the people that I have seen that have worked so hard for the people of North Carolina. I hope and I do feel that we will have those who will follow that will work for some of the things that people like Senator Harris has worked for in mental health and many others.

"This is a great Body; it will go on and it will do many things. I will miss it. It has just been such a great part of my life. It is pretty difficult to say much more. I sort of think as I stand here with my hands sweating of when I used to in the military have to take a check ride. Because I was in cadets, when I had to go down to get with that instructor and go up and take a check ride and your hands would be so sweaty you didn't know whether you were going to get it done or not. It really has been my privilege and my honor to serve here and I just wouldn't take anything for it—it has been the best part of my life. I appreciate all of the kindnesses to me and to my wife.

"I do want to say, I don't think anybody here can serve in this Body and really be effective without looking at the staff that we have and what the staff does to help us. You know we were over there last night until after one o'clock and staff working hard and I wonder sometimes how they hold up to it. That's along with other things, I think, makes great members of this General Assembly. They are our support and I want to thank them. I appreciate all of the things that have been said and I certainly appreciate the honor of having served here with all of you and all of those I have served with in the past. Thank you, Mr. President."

**By Senator Edwards:**

"I don't mean really to cut off what we are saying about Senator Walker and if there are others who want to speak of him, I certainly would like to relinquish the floor. If they will so inform me at this point. But, if not, I do want to say a word concerning the senior Senator from Cumberland County, Senator Tally. Senator Tally has served in this Senate for many years—twenty or more years. She came to this Senate before I really became interested in this kind of thing and she has served the community well across the years; came here as an educator, really. But she has gone beyond that and has become an environmentalist and a lot of other things and a lady of great influence in this Body.

"Senator Tally is well–respected in Cumberland County particularly, of course, and beyond, and she has been a chief, if not the leading vote–getter in that County for the Senate across the years and whatever other office really she wanted. The reason that Senator Tally is going to be replaced at this time is because she chose to do that; she chooses to do that because no one felt they could defeat Senator Tally, really. So those who were waiting in the wings just sort of waited to see what she was going to do and wanted to almost get her consent and her endorsement, really, before they would undertake the responsibility, or the honor of running for the Senate.

"And so I just want this Body to know that we in Cumberland County realize the contributions that Senator Tally has made and we respect her greatly and she will be missed by the citizens of Cumberland County as it relates to what she has done here in this Body. And I just want this Body to know that from the junior Senator and I have enjoyed working with her. I thought when I first came that we might not be able to get along because you know sometimes she gets a little bossy. She likes to tell you what to do. (Laughter) Of course I don't mind folks telling me what to do because I'm gonna do what I want to anyway. But she has been a real help and a real colleague and, Senator Tally, I appreciate it and I am sure this Body does and the State of North Carolina appreciates it. Thank you very much.

The Senate acknowledges Senator Tally with a prolonged standing ovation.

**By Senator Ward:**

"I just want to thank Senator Tally for sitting by me all these years and telling me what to do. When I'm at home I have my wife to tell me what to do; in this place I would not know what to do; if I hadn't had Senator Tally sitting by me all these years to tell me what to do next. And for that I want to thank her."

**By Senator Perdue:**

"Thank you, Mr. President and members of the Senate. As others of us speak about our wonderful friends and leaders and mentors, I rise, specifically, this morning to speak as the upcoming Dean, I find it hard to believe that, but I will become the senior Member of the Women's Caucus. And I can look back fondly at two of my greatest role models here in this Chamber this morning, Senator Tally and my beloved friend, Senator Mary Seymour. And I can remember coming here eight years ago and having these two women reach out to me and to talk to me about what it was like to be a Senator and to be a House member; but more importantly, as a freshman, I can remember Mary Seymour and Lura Tally speaking to me about what it is like to represent the State of North Carolina as a woman. And regardless of how we listen to Lura and Mary give us advice, and they've done so well and so frankly, they tell us that things have changed. But whether you want to admit it or not, some things still remain the same. And it still is difficult in this great State for women to provide effective leadership.

"I can remember Mary Seymour saying to me, 'Bev, it is important to be good, but you gotta be better. You've gotta work harder.' And I can remember my friend, Lura, saying to me and several other freshman House members on that morning in the mid 80s, 'Young women of this House, over here, you must also always remember that you're not here just to be a woman, you're here for the people of this State. Don't serve for women, but serve for all of North Carolina.'

"And I spent a few hours looking through the Journals to see what these people had done. Lura came here as an educator. She was a terrific educator. Everybody in Fayetteville knows Lura Tally. But when she got to Raleigh, she decided that she was gonna do education and do it well. But she was gonna do lots more for this great State and she has. As she leaves here this afternoon, she's not going home to Fayetteville. She's going home for a brief rest but to come back to us and serve in some other way. And as we look at great things that have happened in North Carolina, to not only education and family and children's issues, but anywhere you see a tree or a flower or a lake or a nice park, you can think about Lura Tally. And the footprints that she is leaving on North Carolina's environmental policy. A woman who is a woman, a mother, a family person, a wife, a contributing citizen, but a great leader for this State. We will miss you, Lura, and we love you.

"And then Mary Seymour. One of the toughest things I ever did in this Senate Chamber two years ago, was go to an Insurance Committee and get run over hard by all you fancy lawyers and insurance salesmen. And Mary Seymour pulled me out of that meeting and said 'Bev, this is one tough Committee, but you can do it girl, we're there for you.' And she moved to give my bill a favorable report and we watched it die about 7 to 2, didn't we, Mary?

"Mary, you're the kind of woman you want your daughter to be, I think. She has great vision and quiet assertive leadership. She came here to do the work of the people of this State, not just of the folks in Greensboro and High Point. She came

here focused on family and women's issues, initially. I can remember talking with Lura and with Mary and probably Anne Barnes and Wilma Woodard and they would talk to us about what it was like during the ERA vote. And what it was like to come in this Chamber and be one of a very select few women. And how they had forged ahead on policy issues that many of you gentlemen have so willingly joined in to make this State a working, viable State which recognizes the value of all contributing citizens. Mary moved quickly from those issues where she continued to be effective into insurance and finally into utilities, which was—which is even now perceived as a man's ball game. She did it with bold courage, with assertive leadership, and with compassion. She brought the touch of kindness to those committees. She humanized issues that many of us didn't know anything about.

"She has led in a way that I will always admire. I love her, I think her husband is one of the finest men I've ever met in my life, and if I could give an angel a reward, I'd say, to you, that you have been a real part of this team. It's a working model for the couples of North Carolina to see how men should support women and women should support men.

"So today, as others speak about these two wonderful women, I want to share with you on the behalf of all the women members of this Senate and of the entire General Assembly, how we feel as we say good–bye to two great North Carolina leaders. They have made a difference, not just in their own communities, but they have made a difference in every single family's life in North Carolina and in this great State. And as we say today, thank you, we do it from the bottom of our hearts."

The Senate acknowledges Senator Seymour and Senator Tally with a very warm and much prolonged standing ovation.

**By Senator Hoyle:**

"Thank you, Mr. President and Members of the Senate. I rise to say a few words about my dear friend and my colleague, Senator Ollie Harris. I met Ollie Harris, I guess it was about twenty–five years ago now, when Ollie came to the big Town of Dallas when he was running for his first term for the Senate. And I was Mayor of the Town at the time and I felt like I maybe could help a political candidate in some ways and he gave me a card and on the card it said 'Send Ollie to Raleigh.' How in the world could you not vote for a man and help a man with a motto like that. And Ollie and I got to be good friends through the years, and at that time I really never dreamed, in my wildest dreams, that we would be able to serve in this great Body together. And to give me an opportunity to serve with a really great man.

"Last year when we were dedicating the Ollie Harris Social Service Building in Shelby, Senator Marshall Rauch made some comments about Ollie Harris. And they were so true. I think Marshall and Ollie roomed together for some ten terms—eight terms, is that about right, Ollie? But Marshall said during all that time that he had never one time heard Ollie Harris say a bad thing or an ill word about anyone. Now I think that says an awful lot about a person's character. And I believe that to be the absolute truth because I have never heard Ollie say anything ill about anyone. So Ollie, as you leave this Body, you leave a void. I don't know whose going to be coming to fill your seat, but whoever it may be, he has some mighty big shoes to fill. And I just want to say to you that I appreciate you, I respect you, and I love you."

The Senate acknowledges Senator Harris with a standing ovation.

**By Senator Winner of Buncombe:**

"I can't resist adding a few things about Senator Harris because Senator Hoyle, you've known him longer than I, but you have not seen the true Ollie Harris during this term.

"Ollie used to get on his feet a a lot in the Senate before four years ago, but he rarely made a speech. You knew when the funeral director got up that the words were gonna be 'I move that this bill or this amendment or whatever it was do lie upon the table.' I just started thinking about that. Senator Hoyle told me that when Senator Conder made his motion that the concurrence lie upon the table, that that's the first time he had heard that motion made, in two years. And that just shows you that Ollie Harris has changed. Because never, never two weeks went by when I came here in 1983 that we didn't get the funeral director's motion. The funny thing is that he could do that, you know, kill our bills or whatever we were trying to do without debate, and never, ever that I ever saw, make anybody angry with him. That's because he always had a smile on his face and you knew that there was nothing personal that he just disagreed with you; although he rarely did it when he didn't know he had the votes that your issue was dead.

"I got to know Ollie a lot better because he and I flew away from here to Charlotte and me onto Asheville almost every weekend over the last several terms. And though he had been characterized to me when I came—I didn't know Ollie when I got here twelve years ago—he had been characterized to me as the most conservative Democrat. It taught me something I guess I already knew that it is impossible to characterize people that way as conservative or liberal or anything because you generalize to the point that you've misstated the person. I'll tell you what, Ollie, for a conservative, you have to be about as compassionate to the people who cannot take care of themselves as anybody I've ever known. And, I say this to all of you who are leaving, this Senate is not going to be the same without you. Though I have to say, Mr. President, that while we are doing this today I'm not clear because we're gonna clearly, in my view, be back here in special session serving with these fine people again sometime this fall."

**By Senator Cochrane:**

"Mr. President, Ladies and Gentlemen of the Senate, I was struck, when we heard the number of people with such experience in leadership, decide to not come back next term, to not seek office again. It made a particular impression on me because some of the folks who are leaving, I have known since I was a little girl. I grew up down the street from Russell Walker. And I would concur in everything that has been said about that man. I think there are footprints across programs in this State that help those who are unable to help themselves that would not be there without a Russell Walker. And Lura Tally in environment has made an impact that also may not be recognized yet, in trying to walk that line between keeping business people able to do their job of providing goods and services to the folks in this State, and protecting the environment that we all want for future generations. And Ollie Harris, when I served under him on Human Resources over here, was a special privilege. Because whether he remembers it or not, my first personal conversation with Ollie Harris took place in the Chapel, which was a meeting place that I was asked to go to when some wheeling and dealing was going on over votes. And it was where nobody would see anybody talking to somebody else. And I was struck with the genuineness of the man and the reasons he gave me for the vote that he was seeking at that point in time and I was in the House.

"But there is something else about these three people that only I, as a Republican, could point out. And that is their fairness at letting us be involved in the process. Their fairness at listening to our perspective sometimes on issues and their allowing our perspective to be a part of the debate fairly. And when our ideas are credible and would do a good job at modifying or improving something, they were willing to consider those. And they have been very helpful to me personally many times on amendments or changes in budgets. It is a role we play in this Body when we are allowed to. And I want to personally thank those three people for providing me that opportunity.

"Jim Richardson is not here, but he and I share a special friendship that I have talked about when he left us Friday. And I would only call attention to that again. And Mary Seymour, I will treasure all my life the courage that I have observed by watching you these last few years. And Sandy, I'm gonna miss our partisan confrontations, but I have to tell you, you have been an excellent Rules Chairman and fair to us on the back row this year. We wish you well. All of you. I am struck at the experience and leadership that is leaving this Body and I, too, like Senator Winner think it will be some time before those shoes are replaced in this Body. Thank you for serving our State and working with us for good government."

**By Senator Plexico**:

"I hesitate to even say anything after Senator Cochrane's remarks. Those are beautiful remarks, Betsy. But I do want to share briefly the story about Senator Harris. A few weeks ago my daughter Hattie was here and we were staying at the Brownstone and we were on the elevator and Senator Harris gets on and Senator Harris is a mountain of a man, especially when you are a ten–year–old little girl. And he had on his very 'sons–of–planters' suit that day and looking very senatorial. I could see Hattie's big brown eyes looking up at him and just staring at him. I introduced Hattie and said 'This is Senator Harris, this is Mr. Ollie.' And Senator Harris got off the elevator and Hattie looked at me and said 'Daddy, how long has he been here?' I said, 'Hattie that man has been here so long that he has forgotten more than your daddy would ever know about the General Assembly.' And she said, 'He just looks like a Senator.' And I said, 'Hattie, he **is** a Senator.'"

**By Senator Basnight**:

Thank you Mr. President. Senator Johnson is not with us at the moment but we'll all appreciate his contributions many times over and most especially those in the State that work for North Carolina or work on her behalf. He has been a leader in the field of benefits for our employees, teachers and State employees. He has always fought that long, difficult, tough battle on their behalf. He has many times championed the calls of all kinds of people in this State and at the appropriate time during the course of his tenure in this Body, he has stood in opposition to what was deemed to be in the best interest of the leadership in the Body in general to state his opinion, Senator Ballance, it being the other side. And he would do it in a fashion that made you reflect a little bit on what you were attempting to do from time to time. Senator Johnson was a very special person to North Carolina and I'm sure he will continue to be so in the future.

"He came to me a couple of years ago and explained the State employees benefits package that he felt was not in order. He felt also, Senator Lee, as he expressed to you on different occasions as well that we had to have a pay plan that reflected some merit, that reflected some opportunity, that told the State employee that he could

progress if he did certain things. Our State plan had so many thousands of different lines that compared one against the other in different fashions did not allow for an orderly progression upwardly. He made that change more than anyone else. And he has continuously spoken of that person who received very little at the very lowest of the pay standards that we have for State employees. I will remember him as one of those people that were special to this Body and to the people of this State.

"I would like to speak on all of you, I guess time would not be in order now, I have to go across the street, but Ollie, you will be remembered for your contributions to those who could not help themselves and your labor you offered on the Human Resources Committee, always standing in their stead. Senator Winner spoke of conservative. I don't believe you were conservative when it came to doing the right things for people, you were very liberal in helping those who could not help themselves. You wanted to make sure the money was spent properly and right. You would always do that. And I respect you for that, as everyone else does. We're sorely going to miss you. We're gonna think of you and each and every other Member that is leaving us today.

"Senator Tally, you are one of the most difficult people I worked with my first year on the Environment Committee. But you've taught me a great deal. I had a belief in the thought that you had to build on every lot on the Outer Banks at one time. We didn't have many homes down there at that time but slowly and surely you convinced myself and many others that that is not in the best interest of future generations of people. You always stood instead of what North Carolina looked like and should look like tomorrow and not today. I thank you for that experience of being with you and working with you and each and every other one in the future as well.

"Mary, you are very special. You are one of the strongest people that we have ever had in this State and you have stood for the issues that you believed in. As you told me just recently, I can't vote with you on that Marc, you're wrong. That was just two or three weeks ago. That's Mary. That's kind of special when someone does what they truly believe in, stand by their principles and their belief of what's right and not what's politically expedient at the time. You are a wonderful person, and you do have a tremendous husband, your Senator–husband, and for us he is part of the Senate. Senator Perdue put it ever so well and we thank you for having him here with us.

"Sandy, greater things are ahead for you. We all know that. Speaker of the House of Representatives will occur, but please don't forget to invite us when it happens. Sitting here looking at my seatmate, there are many things I can tell you about him that you don't know and that you didn't realize was happening. You give me a lot of credit sometimes to get me applause recently that I didn't deserve. It could have been shared with each of you. But most especially it could have been shared with this fellow because he did it. Sandy makes the Body function and work, he keeps it in order. Being Rules Chairman is one of the most important positions that anyone can hold in the Senate. He has to do all the work when we're away. He has to make certain that certain bills don't show up on this floor at certain times and that makes it a little difficult when he has to hold them and hide them away from many eager hands who would like to see them before us.

"Sandy, your belief in a better North Carolina, her people and her future is what I'll remember about you but I'll remember the special times that we had together and everyone in here will. You are one of the better people running for the United States Congress. You're one of the people that America desperately needs. And I know you won't change, you can't be bought, you won't be sold, and you truly will make a

change in Washington. I wish you weren't going; I told you before you announced that you would run, that we'd rather have you here. But we'll call on you and we thank you for giving us the time of being with you and those contributions that you made. You're special to me and everyone else in this Body.

"To each of you, I thank you for giving me the privilege to be a better human being because of my exposure of each and every one of you."

The Senate acknowledges the retiring members of the Senate and the comments offered by the President *Pro Tempore* with a standing ovation.

**By Senator Soles:**

"Mr. President, Ladies and Gentlemen of the Senate, I'd like to stand and just say one word as a group to all of the retirees who are leaving us, it would be impossible for me to stand up and talk more about one than the other, but I want to know if you would please be truthful with me before you leave and tell me have I done something wrong? Now, I want you to look around here. Russell is leaving; Sandy's leaving; Mary's leaving; Senator Richardson's leaving; and Lura Tally that rides everywhere with me, and she's leaving. So, you know, to start out this morning, I have taken a good bath and changed all the clothes (laughter) and if any of you sitting closer by now have any idea of leaving, please come over and tell me or confer with the rest because I don't want to keep running the rest of you off.

"It has been a pleasure serving with you, and I've been here probably as long or longer than any of you that are leaving. I remember Senator Johnson, for example, was a member of my Judiciary Committee when I was Chairman of Judiciary in the House. Senator Lura Tally sat right behind me in the House and that's the way I got to know her, and she and I found that we enjoyed slipping out in the middle of the day at one of the little cafes or doing things that kinda broke the monotony and we started riding to various functions together while we were in the House and it's continued over here. Some people think we've got the longest going relationship of anybody in Raleigh, but it's, I assure you it is friendship and love in the proper manner. She sometimes offers to drive and I wouldn't ride with her for anything (laughter). I did that one time, and one's enough. Senator Harris sat there, and he moved over there.

"So I don't know what's going on, but we often hear the Presiding Officer, when one of our members moves on, talk about another great oak has fallen and the light is shining in. I'm telling you, with these great oaks that are leaving us, we have clear–cut the Senate, and we've got a lots to do to make up for it, and our work is cut out next time. To all of you, Russell, every one of you, thank you for serving with us, thank you for letting me sit beside you. And come back to see us often."

**By Senator Sherron:**

"Members of the Senate. I want to say a word on behalf of my seatmate, Senator Joe Johnson. I know many of you are aware of the history of my getting to the Senate, and Joe's tenure here. But, you know, after I got elected and we were campaigning with Bill Staton down in Harnett and Lee County and a large portion of Wake County, we had to go to a lot of meetings—Sanford and Dunn and Lillington, and so forth, so Joe and I would ride together. And you know I got to know Joe in a way that very few people really know him. Joe is a very compassionate person, and was very dedicated for the educational purposes of this State. He used to talk quite a bit about it. He was very interested in business. He chaired the Utility Review Committee and he spent many, many hours talking with people that were not out in the

public, and it wasn't in the media, but he was trying his best to do what was best in his mind for the Sate of North Carolina.

"And then, I think as Senator Basnight said about Joe's dedication and support for the State employees of North Carolina, I think the enactment last year of the comprehensive pay plan was probably one of the hallmarks of his tenure here. It was under his leadership as Chairman of the State Government Committee that he, he's got a plan and with your help that's going to hopefully move State employees into a real career position and that's going to benefit all the people of this State. Joe is going to, hopefully, be replaced by Ruth Cook, and Ruth will be here and she'll be a great member. To my classmate, Sandy Sands, it was several of us that came in here that year together, one of them was Jim Richardson. Jim, he was over in the House, but George Daniel, myself, and Sandy and a couple more, Austin Allran came over and it's really been a pleasure, Sandy, working with you. You're a great leader. We're looking forward to great things out of you, and let us know if you need a contribution."

**By Senator Conder:**

"Thank you, Mr. President. Members of the Senate. I stand to speak in support of all seven of our departing members that are not going to run again, and I'm not going to say I'm going to miss you, because if I'm not reelected, I won't be here to miss you, but I'm up for reelection and if I am back, I will definitely miss you. If I'm not reelected, I hope our paths continue to cross along the streets of North Carolina. But Senator Folger is not here, and I have one of my major threads of commonality with Senator Sands is that he lives in Rockingham County and I live in the City of Rockingham, and people get us confused frequently, even Vice Presidents of the New York Stock Exchange don't know the difference between the City of Rockingham and the County of Rockingham.

"But I really—Senator Basnight, you really made some very astute remarks. I think Sandy Sands will be a welcome breath of fresh air to Washington, D.C. His sense of humor there will be very well received, and I certainly hope, Sandy, you liven that place up and make those people understand what's really going on. Because I really think you'll do an outstanding job, as you've done here in this Senate. I've really grown to like and respect and admire you. And, Members of the Senate, I have also offered to come up to his new Congressional District, and I told him I'd work for him or against him, whatever would help him the most. So I'm waiting on him to give me my advice as to what to do, and I'll be glad to go up there and do it. But seriously, all seven of you, I'm going to really miss you and hopefully I'm reelected, if not, then we'll communicate on the street. Thank you very much."

**By Senator Lucas:**

"As a freshwoman Senator (laughter)—don't you love it? It's been a joy being with you this beginning of my Senatorial career. And for those seven persons I've just simply given some adjectives. To Senator Harris, you've been so caring and sharing. He turns to me and he says, 'Jeanne, you voted right on that bill. Even though everybody else voted the other way.'

"Russell, you've been so focused and so vocal as a giant. You look in my eyeballs and you say, 'Jeanne, one, two, three, four,' and I know exactly what you mean.

"Sandy, I've watched you as the political operative analyst moving this Chamber. I'm impressed.

"Seymour, you're the goddess of stamina and grace.

"Joe Johnson has been an intellectual prowess for me.

"Jim Richardson has been an analytical politician of great wisdom.

"And Lura, you've had so many encouraging words that I know that your vision and experience will stay with me for a long time.

"Senator Ralph Hunt said to me, 'Jeanne, you're going to the human family and I know that you will do well. And the reason for that is because you all have been such instruments of wisdom, and I look forward to representing what your vision has been and what your commitment has been to the State of North Carolina. Thank you, so very much."

**By Senator Hyde:**

"Mr. President, I hope that I'm not intervening here and cutting off anyone. I don't mean to. But I join in what's been said up to now, and I'm changing just a little. I wish to say to you that I do not stand and tell you that I speak for any member of this Body, but that I have suggested to the Presiding Officer, Lieutenant Governor of this State, to the President *Pro Tem*, to the Majority Leader and to the Minority Whip that I was going to stand and make some remarks and they have not disagreed, so I think they will, assuming that I stay civil and state things that are truthful, that they will agree with me. My purpose in standing is not to praise those who are leaving, but to offer a truthful statement about a lot of people who are staying. I want to speak today for a moment about the staff.

"About our Principal Clerk and her staff; about our Sergeant–at–Arms; about our Reading Clerk; about our fiscal research and our drafting people, and about all the people that are working for us in this Building. And I want to tell you, I think, I haven't checked this, but I believe I served here before any of you did. I sat in this seat in 1965 and any of you can beat that, you can tell me and I'll be wrong—but—same seat—right here. And in all those years I've watched how this General Assembly has changed in many, many ways. Some of it I haven't particularly liked, but some of it, I have, because today you couldn't get along, to tell you the truth, without the staff you've got, the Sergeant–at–Arms, the Reading Clerk, fiscal research and all these people who work for you. Think about putting this bill together, they're talking about five hours. It would have probably taken five days back in 1965. Well, we were under the Constitution back then for ninety days, and we got $600 for two years, plus we got our expenses for ninety days. We went home at the end of eighty–nine days every time. You can pretty well figure that out, I guess. But what I'm telling you is this. We have some of the finest people on earth working for us every day. The Principal Clerk has a staff of people that I go to and they're cooperative. They're friendly. When I'm down, and when I'm disgusted, and when I'm disoriented, or whatever I am, they help to get me up. Even this morning, they told me I was going to leave this evening, so they give me good news every once in awhile. They work with me. They never fail to cooperate.

"The same thing happens with the people—with respect to our secretaries. My secretary, bless her heart, she's got more sense than I have. She went off down to the beach and I had to have a committee meeting and I went over to Janet Pruitt, and she's in charge of those, not only did she help me out, she came herself to the Committee and made the report. That's the kind of cooperation, and I use that merely as an example. The Sergeant–at–Arms, they always go out of the way to be helpful to me in any way that they can, and I'm most appreciative. The same thing happens with drafting, though I don't have many bills of my own. I used to draft my own, but now I depend upon the staff to do it, and they do a good job. And so what I'm telling you today is this. I think I speak for every Member of this Body when I say

to you that we're most fortunate to have the staff, Sergeant–at–Arms, the Reading Clerk, all of these people that work for us and work with us. We should realize that. Too often, as human beings, we forget to thank those people we ought to. A husband sometimes forgets, for months perhaps, to tell his wife really how useful and how great she is to him. A wife may do the same thing. We do the same thing with our partners in business. We just forget to do it.

"We're not even thankful some time for those things that don't happen. Let me give you a quick little example and then I'll close. Recently, you know, I left for two or three days and went to the graduation of my daughter, my wife and I, from the military base down at Fort Jackson. She's finishing there, and it's rough. Now she's going to language school out in California and she's going to be an interpreter down the line. Well, we left, took her back to base. Got her out one night, took her to base, got up at a–quarter–to–four in the morning and took her back and drove home. Before we got there, she found out that she was going to get some leave and could come home for four or five days, and so she started out to arrange to get on that plane that crashed in Charlotte, but she didn't; she got a bus. She came home; she's alive. And it reminds me that sometimes we're not thankful enough for those things that don't happen, and that we ought to think about it sometimes. And we ought to think about those things this staff and all these people I've been talking about have not done. They've caused us no problem. This State is very fortunate in that we haven't had the kind of things that have happened in other states and legislatures, or the Governor's Office, or judges, or whatever it is. They have been no problem. We ought to be thankful and I think you ought to show your gratitude to them."

The Senate responds with a standing ovation to the remarks of Senator Hyde.

**By Lieutenant Governor Wicker:**

"Members of the Senate—just one moment, Senator, I'll come right back to you. If my information is correct, fifty–seven terms of experience is leaving the Senate. A hundred and fourteen years cumulatively, and that's a great loss to the Senate and to the General Assembly. I think all of you will join me in agreement when I say that it's even a greater loss to the people of this State. The people of this State will miss those that are leaving this Body."

**By Senator Plyler:**

"Mr. President and Members of the Senate, I do not look at this group of people that is leaving this Chamber this year as retiring; I look at it as the Graduating Class of 1994. You have been wonderful. You have achieved; you're straight "A's" and I commend you for it. Unfortunately, several of us here have not passed yet. (laughter) We're still down in the anywhere from "F's" to "D's" and some have a few "C's," but I say to you, you all are straight "A's" and I appreciate you. Each and every one of you I have served with you many, many years, either in the House or the Senate or both. I would say, Senator Seymour and Senator Tally, you are great, along with the other Members, but I want to say this about Senator Harris. He and I are not roommates over at the Brownstone. If we had a wall knocked out, we would be, but we stay on the eighth floor and it's been a very nice Session with he being up there.

"But the other morning, I decided I was going to enjoy a good breakfast with Senator Harris. So I asked him would he go over to the Farmers Market with me and eat breakfast. He said, 'Sure, I will.' We went over and ordered country ham; in fact, it was the best country ham you could get. He looked at me after he had got about halfway through his country ham, and he said, 'Plyler, a fellow sent me a country ham

the other day free of charge but I had to pay the freight on that country ham.' And he said, 'Do you know that freight was $31.25?' I said, 'My goodness, Senator Harris, that ham must have come from a long ways.' I said, 'Where'd it come from?' He said, 'On the right hand side of a hog's rear end.' So, I thought that was a good departing breakfast with Senator Harris. But back in the early '60s, I was President of a fraternal organization. And each night that we would depart we had a final little ritual that I'd like to repeat that today. 'What is done is done, whether it be for good or evil. Let none depart from this Chamber with anger in your heart. Let's all go forth with good thoughts and good deeds for all mankind.' Thank you." (applause)

**By Senator Ballance:**

"I am not going to talk about all of our friends who are departing. They are all good friends. I will say that Ollie Harris was not as mean a man as I had heard that he was before I met him. I have found out that he is a right nice gentleman and I have enjoyed sitting behind him. I do want to say a word about the two lawyers. I believe there are two lawyers among the 'graduating class,' as we have just heard. First, Joe Johnson. Joe has a sharp mind and those of us who sit behind him usually ask Joe about rules and how things can be done and he's always got it right at the top of his head. Then I want to say a word about Sandy Sands. We have a lot of good lawyers, sharp lawyers, on J1. And it helps when we have those bad bills coming to J1 that we can analyze them and try and fix them up. But Sandy Sands, without a doubt, is—if I ever got in trouble, I'd want Sandy and Dennis Winner and some other good lawyers to represent me. I don't think I'm going to pay you all any money, but I'm not going to get in trouble; but Sandy Sands, Mr. President, has been one of the outstanding lawyers that I've known in this Body. And to add to his legal knowledge, he has a great political sense about issues that come before us. And I just want to say that, I don't know if Eva Clayton might ever hire me to work for her, Sandy, but when you get up there, I'll have another shot at it. I do appreciate, I have appreciated working with all of those members who are departing, and I simply want to say that brief word about the two attorneys. Thank you."

**By Senator Speed:**

"Members of the Senate, I've been here several terms and have served with many great leaders over the several previous years, but none of which, as many as we are having in this Session, especially those that are leaving. We have lost many leaders in previous Sessions that have meant a lot, a big loss to the State of North Carolina, but this Session we are losing more leadership than any Session in which I have served. I could say ditto to everything that's been said about each of these fine Senators that are leaving, but it certainly will be a big loss to the State of North Carolina, and particularly so in the area of Human Resources. The leadership of this Senate has been great, and I feel like this has been the best Session, 1994 and '93 Sessions have been the greatest and most cooperative so far as the Senate section is concerned than any that I have served. I think the leadership has reflected greatly in this endeavor, and Senator Basnight is to be congratulated for his leadership because the Senate has worked closely together on many, many important issues.

"Senator Hyde reflected on the importance of our staffs and I could certainly ditto everything that he has said. This has been one of the finest staffs that I have seen since I have served, and in general, the best Senate that we have had, certainly, in many, many years, and I think the greatest of ever. It's been a real pleasure to serve with each of you. I haven't said much this Session, in particular. After following

Senator Helen Marvin over in this corner, Senator Marvin commented on just about every bill that came up, I decided that I would let this corner rest a little. (laughter) At any rate, I have worked with you behind the scenes and I worked with my constituents and I will look forward to continuing to work with you for the benefit of the State of North Carolina. It's been a real pleasure. Thank you."

**By Senator Harris:**

"Point of personal privilege that's just very short, because it's emotional to each of us who are leaving. And let me just say this, that outside of my family and my church and my profession, there's been three great events in my life. One of them was the Bronze Star given to me by General MacArthur, who you remember, was the one that said, 'Nuts' to the Germans in the Battle of the Bulge. That, to me, was a great event to me at that time. And then, of course, several of you came up to the Mental Health Building in Shelby—it's not the Ollie Harris Building—that's the North Carolina Senate and House Building. They're the ones that started it. And I want you to know that. And then to be serving in the North Carolina General Assembly in the Senate. There's nothing like it! There's nothing like it. Many of you remember the leaders in the past. I, particularly, remember Senator Allsbrook, who I learned how to lay the bill on the table from the gentleman Allsbrook, and also to put the clincher. I should have put the clincher on that bill a few minutes ago. But it's been a great pleasure. I have met not only the members of the Senate, but the staff. I have some of the finest friends that a person could have. And being soon 81 years old, I just want to say this. I could certainly use your obituary in the *Shelby Daily Star* at my passing. Thank you very much."

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**S.B. 196**, a bill to add two members to the Board of the State Ports Authority to be appointed by the President *Pro Tempore* of the Senate, and to remove the legislative recommendation against membership on the Board of the State Ports Authority by persons domiciled in the State House and State Senate districts where a port is located, for concurrence in the House Committee Substitute bill with two amendments not engrossed, which changes the title, upon concurrence, to read **S.B. 196** (House Committee Substitute), a bill to transfer the North Carolina State Ports Authority and the North Carolina Ports Railway Commission to the Department of Transportation and to amend the responsibilities of the Board of Transportation.

On motion of Senator Sands, the rules are suspended without objection, and the House Committee Substitute bill is placed on the Calendar for today upon concurrence for consideration in its regular order of business.

**S.B. 917** (Committee Substitute), a bill to establish the North Carolina Bridge Authority, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 917** (House Committee Substitute No. 2), a bill to allow the Department of Transportation to charge a toll on certain bridges in the intrastate system.

Referred to **Rules and Operation of the Senate Committee**

**S.B. 1384**, a bill to implement recommendations of the Joint Legislative Oversight Committee on Early Childhood Education and Development Initiatives to change the

selection process for local demonstration projects, to allow the Department of Human Resources to delegate contracting authority to local partnerships, the North Carolina Partnership for Children, Inc. or a public or governmental entity, to require local partnerships to be newly formed organizations, to clarify the use of State funds by local partnerships, to provide that State funds shall not supplant current expenditures by counties on behalf of young children and their families, and to make technical changes to the law governing the early childhood initiatives, for concurrence in House Amendments No. 1, No. 2, and No. 3.

On motion of Senator Sands, the rules are suspended without objection, and the bill is placed on the Calendar for today upon concurrence for consideration in its regular order of business.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

**S.B. 1469** House of Representatives
(House Committee Substitute) July 15, 1994

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 1469**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM REGISTRATION AND THE MOTOR FUEL TAX VEHICLES REGISTERED IN ANOTHER STATE AND OPERATED TEMPORARILY IN THIS STATE BY A UTILITY PROVIDER OR ITS CONTRACTOR FOR THE PURPOSE OF RESTORATION OF UTILITY SERVICES IN AN EMERGENCY OUTAGE AS RECOMMENDED BY THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE, AND TO GRANT AUTHORITY TO THE CHAIRMAN OF THE PUBLIC UTILITIES COMMISSION TO APPOINT PANELS OF FIVE COMMISSIONERS TO HEAR CERTAIN MATTERS, the Speaker has appointed as conferees on the part of the House, Representative G. Miller, Representative Hackney, and Representative Kuczmarski to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 619** House of Representatives
(Senate Committee Substitute) July 15, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for **HB 619**, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE LAW REGARDING ATTORNEYS' FEES IN ACTIONS RELATING TO LIENS ON REAL PROPERTY, and the Speaker has ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 1776**
(Senate Committee Substitute)

House of Representatives
July 15, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute with unengrossed Senate Amendment for **HB 1776**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE VOTER REGISTRATION LAWS OF NORTH CAROLINA, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

**S.B. 196** (House Committee Substitute), a bill to transfer the North Carolina State Ports Authority and the North Carolina Ports Railway Commission to the Department of Transportation and to amend the responsibilities of the Board of Transportation, received from the House of Representatives and placed on the Calendar for concurrence, earlier today.

With unanimous consent, on motion of Senator Perdue, the House Committee Substitute bill is taken up out of its regular order of business.

The Senate fails to concur in the House Committee Substitute bill (0–29).

Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Perdue (Chairman), Soles, Jordan, Hartsell, and Hoyle as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

With unanimous consent, the Senate recesses at 10:45 A.M. for the purpose of committee meetings to reconvene at 3:00 P.M.

## RECESS

With unanimous consent, the Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

The Chair grants leaves of absence to Senator Harris and to Senator Winner of Mecklenburg for the remainder of today's Session.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives.

**H.B. 1779**

House of Representatives
July 16, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment to **HB 1779**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CAMPAIGN LAWS TO ELIMINATE THE DIFFERENCE IN POSTPRIMARY REPORTING BY NOMINEES AND PRIMARY LOSERS.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 822**
(Senate Committee Substitute)

House of Representatives
July 16, 1994

*Mr. President:*

It is ordered that a message be sent to your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute with one unengrossed Senate Amendment for **HB 822**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING COMPUTER-RELATED CRIME, and we have ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

The Chair announces the presence of Senator Gulley, Senator Shaw, and Senator Simpson and leaves of absence previously granted are withdrawn.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**S.B. 917** (House Committee Substitute No. 2), a bill to allow the Department of Transportation to charge a toll on certain bridges in the intrastate system, referred to the **Rules and Operation of the Senate Committee** earlier today.

Pursuant to Rule 47(b), Senator Sands offers a motion that the House Committee Substitute bill No. 2 be recalled from the **Rules and Operation of the Senate Committee**, the rules be suspended, and placed before the Senate for immediate consideration upon concurrence, which motions prevail.

The Chair orders the House Committee Substitute bill No. 2 taken from the **Rules and Operation of the Senate Committee** and places the measure before the Senate for immediate consideration upon concurrence.

The Chair rules that tolls are not taxes and that the House Committee Substitute bill No. 2 is not a roll call measure.

The Senate concurs in the House Committee Substitute bill No. 2 (37–0), changing the title, and the measure is ordered enrolled.

**H.B. 1940** (Committee Substitute), a bill to establish a commercial special device license, referred to the **Finance Committee** on July 1.

Pursuant to Rule 47(b), Senator Winner of Buncombe offers a motion that the Committee Substitute bill be taken from the **Finance Committee** and placed at the end of today's Calendar for consideration upon its passage, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Finance Committee** and places the measure at the end of today's Calendar for consideration upon its passage.

**S.B. 1630** (House Committee Substitute), a bill to make technical corrections and to make clarifying and conforming changes to various criminal statutes, to repeal various criminal laws that are obsolete or redundant, and to extend the sunset for the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association, referred to the **Judiciary I Committee** on July 11.

Pursuant to Rule 47(b), Senator Ballance offers a motion that the House Committee Substitute bill be taken from the **Judiciary I Committee** and placed at the end of today's Calendar for consideration upon concurrence, which motions prevail.

The Chair orders the House Committee Substitute bill taken from the **Judiciary I Committee** and places the measure at the end of today's Calendar for consideration upon concurrence.

## CALENDAR (Continued)

**S.B. 1384**, a bill to implement recommendations of the Joint Legislative Oversight Committee on Early Childhood Education and Development Initiatives to change the selection process for local demonstration projects, to allow the Department of Human Resources to delegate contracting authority to local partnerships, the North Carolina Partnership for Children, Inc. or a public or governmental entity, to require local partnerships to be newly formed organizations, to clarify the use of State funds by local partnerships, to provide that State funds shall not supplant current expenditures by counties on behalf of young children and their families, and to make technical changes to the law governing the early childhood initiatives, for concurrence in House Amendments No. 1, No. 2, and No. 3, received from the House of Representatives earlier today and placed at the end of the Calendar for consideration upon concurrence.

The Senate concurs in House Amendments No. 1, No. 2, and No. 3 (38–0) and the measure is ordered enrolled.

**S.B. 1630** (House Committee Substitute), a bill to make technical corrections and to make clarifying and conforming changes to various criminal statutes, to repeal various criminal laws that are obsolete or redundant, and to extend the sunset for the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association, for concurrence in the House Committee Substitute bill, placed at the end of the Calendar earlier today for consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill (38–0) and the measure is ordered enrolled.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**S.B. 1642** (Committee Substitute), a bill to authorize the City of Durham to collect delinquent water and sewer fees resulting from leaking pipes or fixtures in the same manner as property taxes, for concurrence in House Amendments No. 1 and No. 2, which changes the title, upon concurrence, to read **S.B. 1642** (Committee Substitute), a bill to authorize the City of Durham to collect delinquent water and sewer fees resulting from leaking pipes or fixtures in the same manner as property taxes and to authorize the City of Durham to engage in programs of assistance and financing for rehabilitation or repair of buildings and other improvements in retail, commercial, or industrial use and located in the downtown and adjacent or nearby inner City areas.

On motion of Senator Gulley, the rules are suspended, without objection, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate concurs in House Amendments No. 1 and No. 2 (33–0), changing the title, and the measure is ordered enrolled.

**H.B. 1512** (Committee Substitute), a bill to mandate criminal history checks of child day care providers and to study the use of the Central Registry on child abuse and neglect.

Referred to **Judiciary I Committee.**

## ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 1776** (Senate Committee Substitute), an act to rewrite the voter registration laws of North Carolina and to make other election–law changes. (Ch. 762)

**H.B. 619** (Senate Committee Substitute), an act to make permanent the law regarding attorneys' fees in actions relating to liens on real property, and to clarify that an agreement to arbitrate a dispute is not considered an unenforceable contract requiring waiver of a jury trial. (Ch. 763)

**H.B. 822** (Senate Committee Substitute), an act to amend the laws regarding computer–related crime. (Ch. 764)

## CALENDAR (Continued)

**H.B. 1940** (Committee Substitute), a bill to establish a commercial special device license, placed earlier today at the end of today's Calendar for consideration upon its passage.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

With unanimous consent, the Senate recesses at 3:30 P.M. to reconvene at 8:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

With unanimous consent,the Chair grants a leave of absence to Senator Albertson for the remainder of today's Session.

## INTRODUCTION OF RESOLUTION

Senator Sands offers a motion that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two–thirds majority vote.

By Senator Sands:

**S.J.R. 1726**, a joint resolution providing for adjournment *sine die* of the General Assembly.

On motion of Senator Sands, the joint resolution is placed before the Senate for immediate consideration upon its passage.

The joint resolution passes its second (31–0) and third readings and is ordered sent to the House of Representatives by special messenger.

## CALENDAR (Continued)

**H.B. 1940** (Committee Substitute), a bill to establish a commercial special device license, temporarily displaced earlier.

The Chair rules the measure does not require a call of the roll.

Senator Winner of Buncombe offers Amendment No. 1 held not to be material which is adopted (33–3).

The Committee Substitute bill, as amended, passes its second reading (30–6) and with unanimous consent, remains before the Senate for further consideration upon third reading.

Upon motion of Senator Kaplan the Committee Substitute bill, as amended, is temporarily displaced.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill resolution which is read the first time and disposed of, as follows:

**S.B. 733** (Committee Substitute), a bill to establish a North Carolina Park Authority, to establish a Park Fund of North Carolina for park and recreation purposes, and to fund the Park Fund of North Carolina primarily from the deed stamp tax, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 733** (House Committee Substitute No. 2), a bill to establish a Parks and Recreation Trust Fund.

On motion of Senator Sherron, the rules are suspended without objection, and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration upon concurrence.

The Chair rules the measure does not require a call of the roll, but does require two readings upon concurrence. The Senate concurs on second reading in the House Committee Substitute bill No. 2 (33–1) and on third reading (34–1) and the measure is ordered enrolled.

With unanimous consent, the Senate recesses at 8:40 P.M. to reconvene at 9:00 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 1319**
(Senate Committee Substitute)

House of Representatives
July 16, 1994

*Mr. President:*

It has been ordered that a message be sent your Honorable Body with the information that the House has failed to concur in Senate Committee Substitute to **HB 1319**, A BILL TO BE ENTITLED AN ACT TO REAUTHORIZE THE MENTAL HEALTH STUDY COMMISSION, AND CREATE THE PUBLIC HEALTH STUDY COMMISSION AND THE ELECTION LAWS REVIEW COMMISSION, the Speaker has appointed as conferees on the part of the House, Representative Jack Hunt, Representative Hackney, Representative Tallent, and Representative Alexander to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails. The President *Pro Tempore* takes the appointment of conferees under advisement.

## WITHDRAWAL FROM COMMITTEE BY CHAIRMAN

**H.B. 1408**, a bill to require the public schools to provide instruction in American ethics, referred to the **Appropriations Committee** on July 1.

Pursuant to Rule 47(b), Senator Plyler offers a motion that the bill be taken from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage, which motions prevail.

The Chair orders the bill taken from the **Appropriations Committee** and places the measure before the Senate for immediate consideration upon its passage.

Senator Sands offers Amendment No. 1 which is adopted (34–0).

The bill, as amended, passes its second reading (32–1).

With unanimous consent, the bill, as amended, remains before the Senate for further consideration upon third reading.

Upon motion of Senator Kaplan, the bill, as amended, is temporarily displaced.

## APPOINTMENT OF CONFERENCE COMMITTEE

**H.B. 1319** (Senate Committee Substitute), a bill to reauthorize the Mental Health Study Commission, and create the Public Health Study Commission and the Election Laws Review Commission, with the motion of Senator Sands, prevailing earlier today that the Senate do appoint conferees.

Pursuant to the message from the House of Representatives received earlier today requesting conferees, and the motion of Senator Sands to appoint conferees prevailing, the President *Pro Tempore* appoints Senators Sands (Chairman), Cooper, and Martin of

Guilford as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## CONFERENCE REPORT

**H.B. 1319** (Senate Committee Substitute)

Senator Sands, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1319** (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, and to direct various State agencies to study specified issues, and **H.B. 1319** (Senate Committee Substitute), a bill to reauthorize the Mental Health Study Commission, and create the Public Health Study Commission and the Election Laws Review Commission, which proposes to change the title, submits the following report, which further proposes to change the title, upon adoption, to read **H.B. 1319** (Senate Committee Substitute), a bill to reauthorize the Mental Health Study Commission; to create the Public Health Study Commission; to create the Election Laws Review Commission; to extend study report deadlines; and to authorize the Legislative Research Commission to study insurance fraud, submits the following report:

*To the President of the Senate and the*
*Speaker of the House of Representatives:*

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1319, A BILL TO BE ENTITLED AN ACT TO REAUTHORIZE THE MENTAL HEALTH STUDY COMMISSION, AND CREATE THE PUBLIC HEALTH STUDY COMMISSION AND THE ELECTION LAWS REVIEW COMMISSION, Senate Rules and Operation of the Senate Committee Substitute Adopted 6/29/94, wish to report as follows:

The House concurs in the Senate Rules and Operation of the Senate Committee Substitute Adopted 6/29/94 with the following amendment:

Delete the entire Senate Rules and Operation of the Senate Committee Substitute Adopted 6/29/94 and substitute the attached Proposed Conference Committee Substitute PCCS4349.

The Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 15th day of July, 1994.

S/Sands
S/William N. Martin
S/Roy A. Cooper, III

*Conferees for the Senate*

S/Jack Hunt
Joe Hackney
S/Tim Tallent
S/Martha Alexander

*Conferees for the*
*House of Representatives*

The text of the attached proposed Conference Committee Substitute bill PCCS 4349 reads as follows:

A BILL TO BE ENTITLED

AN ACT TO REAUTHORIZE THE MENTAL HEALTH STUDY COMMISSION; TO CREATE THE PUBLIC HEALTH STUDY COMMISSION; TO CREATE THE ELECTION LAWS REVIEW COMMISSION; TO EXTEND STUDY REPORT DEADLINES; AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY INSURANCE FRAUD.

The General Assembly of North Carolina enacts:

PART I.——MENTAL HEALTH STUDY COMMISSION

(H.B. 305 – Lutz, S.B. 400 – Harris)

Sec. 1.1. The Mental Health Study Commission, established and structured by 1973 General Assembly Resolution 80; Chapter 806, 1973 Session Laws; Chapter 185, 1975 Session Laws; Chapter 184, 1977 Session Laws; Chapter 215, 1979 Session Laws; 1979 General Assembly Resolution 20; Chapter 49, 1981 Session Laws; Chapter 268, 1983 Session Laws; Chapter 792, 1985 Session Laws; Chapter 873, 1987 Session Laws; Chapter 802, 1989 Session Laws; and Chapter 754, 1991 Session Laws, is reestablished and authorized to continue in existence until July 1, 1995.

Sec. 1.2. The continued Mental Health Study Commission shall have all the powers and duties of the original Study Commission as they are necessary to continue the original study, to assist in the implementation of the original and succeeding Study Commission recommendations, and to plan further activity on the subject of the study.

Sec. 1.3. Members and staff of the continued Mental Health Study Commission shall receive compensation and expenses delineated by the original authorization in the 1973 General Assembly Resolution 80. Expenses of the Commission shall be expended by the Department of Human Resources from Budget Code 14460 subhead 1110.

Sec. 1.4. In addition to other studies authorized by law, the Mental Health Study Commission shall:

(1) Exercise oversight of, and make recommendations regarding the implementation of the Adult Substance Abuse Plan, the Comprehensive Long Range Plan for Adults with Severe and Persistent Mental Illness, the Child Mental Health Plan, the Child and Adolescent Alcohol and Other Drug Abuse Plan, and the Developmental Disabilities Services Plan;

(2) Exercise oversight of, and make recommendations regarding implementation of the Quality Improvement Initiative endorsed by the Mental Health Study Commission;

(3) Monitor implementation of Commission recommendations to improve mental health, developmental disabilities, and substance abuse services to criminal justice offenders;

(4) Exercise oversight of, and make recommendations regarding the implementation of the Pioneer Funding System and the funding initiatives to maximize the use of federal and private dollars to support mental health, developmental disabilities, and substance abuse services;

(5) Identify and recommend effective model programs for implementation in each of the Mental Health Study Commission Plans;

(6) Develop a business initiative to increase awareness about the crisis in the mental health system and to build partnerships for creating an effective response; and

(7) Review major initiatives for children for integration with the Child Mental Health Plan.

Sec. 1.5. The Mental Health Committee, created by the Legislative Research Commission in 1993, is abolished.

PART II.——PUBLIC HEALTH STUDY COMMISSION

(S.B. 69 – Cooper)

Sec. 2.1. Chapter 120 of the General Statutes is amended by adding the following new Article to read:

"ARTICLE 22.

"The Public Health Study Commission.

**"§ 120-195. Commission created; purpose.**

There is established the Public Health Study Commission. The Commission shall examine the public health system to determine its effectiveness and efficiency in assuring the delivery of public health services to the citizens of North Carolina.

**"§ 120-196. Commission duties.**

The Commission shall study the availability and accessibility of public health services to all citizens throughout the State. In conducting the study the Commission shall:

(1) Determine whether the public health services currently available in each county or district health department conform to the mission and essential services established under G.S. 130A-1.1;

(2) Study the workforce needs of each county or district health department, including salary levels, professional credentials, and continuing education requirements, and determine the impact that shortages of public health professional personnel have on the delivery of public health services in county and district health departments;

(3) Review the status and needs of local health departments relative to facilities, and the need for the development of minimum standards governing the provision and maintenance of these facilities;

(4) Propose a long-range plan for funding the public health system, which plan shall include a review and evaluation of the current structure and financing of public health in North Carolina and any other recommendations the Commission deems appropriate based on its study activities; and

(5) Conduct any other studies or evaluations the Commission considers necessary to effectuate its purpose.

**"§ 120-197. Commission membership; vacancies; terms.**

(a) The Commission shall consist of 17 members, one of whom shall be the State Health Director. The Speaker of the House of Representatives shall appoint seven members, two of whom shall be selected from among the following: the UNC School of Public Health, the North Carolina Primary Care Association, the North Carolina Home Care Association, the North Carolina Pediatric Society, and the North Carolina Citizens for Public Health. Five of the Speaker's appointees shall be persons who are members of the House of Representatives at the time of their appointment, one of the five being the Representative who chairs the House standing committee related to health matters. The President *Pro Tempore* of the Senate shall appoint seven members, two of whom shall be selected from among the following: the North Carolina Health

Directors' Association, the North Carolina Public Health Association, the Association of Public Health Nurses, the North Carolina Environmental Health Supervisors' Association, and the North Carolina Association of Public Health Educators. Five of the President *Pro Tempore*'s appointees shall be persons who are members of the Senate at the time of their appointment, one of the five being the Senator who chairs the Senate standing committee related to health matters. The Governor shall appoint one member from either the North Carolina Medical Society or the North Carolina Hospital Association. The Lieutenant Governor shall appoint one member from either the North Carolina Association of County Commissioners or the Association of North Carolina Boards of Health.

(b) Vacancies shall be filled by the official who made the initial appointment using the same criteria as provided by this section. All initial appointments shall be made within one calendar month from the effective date of this Article.

(c) Legislative members appointed by the Speaker and the President *Pro Tempore* shall serve two-year terms. The public members initially appointed by the Speaker and the President *Pro Tempore* shall each serve a three-year term. The members initially appointed by the Governor and the Lieutenant Governor shall each serve a one-year term. Thereafter, the terms of all Commission members shall be for two years.

**"§ 120-198. Commission meetings.**

The Commission shall have its first meeting not later than 60 days after the *sine die* adjournment of the 1993 General Assembly at the call of the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives. The President *Pro Tempore* of the Senate and the Speaker of the House of Representatives shall each appoint one legislative member of the Commission to serve as cochair. The Commission shall meet upon the call of the cochairs.

**"§ 120-199. Commission reimbursement.**

The Commission members shall receive no salary as a result of serving on the Commission but shall receive necessary subsistence and travel expenses in accordance with G.S. 120-3.1, 138-5, and 138-6, as applicable.

**"§ 120-200. Commission subcommittees; non-Commission membership.**

The Commission cochairs may establish subcommittees for the purpose of making special studies pursuant to its duties, and may appoint non-Commission members to serve on each subcommittee as resource persons. Resource persons shall be voting members of the subcommittee and shall receive subsistence and travel expenses in accordance with G.S. 138-5 and G.S. 138-6.

**"§ 120-201. Commission authority.**

The Commission may obtain information and data from all State officers, agents, agencies, and departments, while in discharge of its duties, under G.S. 120-19, as if it were a committee of the General Assembly. The Commission also may call witnesses, compel testimony relevant to any matter properly before the Commission, and subpoena records and documents, provided that any patient record shall have patient identifying information removed. The provisions of G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Commission as if it were a joint committee of the General Assembly. In addition to the other signatures required for the issuance of a subpoena under this section, the subpoena shall also be signed by the cochairs of the Commission. Any cost of providing information to the Commission not covered by G.S. 120-19.3 may be reimbursed by the Commission from funds appropriated to it for its continuing study.

"**§ 120-202. Commission reports.**

The Commission shall report to the General Assembly, the Governor, and the Lieutenant Governor the results of its study and recommendations. The Commission shall submit its written report not later than 30 days after the convening of each biennial session of the General Assembly.

"**§ 120-203. Commission staff; meeting place.**

The Commission may contract for clerical and professional staff or for any other services it may require in the course of its ongoing study.

The Commission may, with the approval of the Legislative Services Commission, meet in the State Legislative Building or the Legislative Office Building."

Sec. 2.2. The Public Health Committee, created by the Legislative Research Commission in 1993, is abolished.

PART III.——ELECTION LAWS REVIEW COMMISSION

(S.B. 21 – Lee, Basnight)

Sec. 3.1. (a) There is created an Election Laws Review Commission to be composed of 18 members appointed as follows:

(1) The President *Pro Tempore* of the Senate shall appoint six members;

(2) The Speaker of the House of Representatives shall appoint six members; and

(3) The Governor shall appoint six members.

As used in this Part and unless otherwise clearly indicated, "Commission" shall refer to the Election Laws Review Commission.

(b) The President *Pro Tempore* of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Commission from their appointees. Either cochair may call the first meeting of the Commission.

(c) Members shall serve until the termination of the Commission or, in case of a State legislator member, until the member either does not file for reelection to the General Assembly or is not reelected, whichever occurs first. Vacancies shall be filled in the same manner as the original appointments were made.

Sec. 3.2. (a) The Election Laws Review Commission shall study thoroughly:

(1) The election laws, policies, and procedures of the State, specifically to include those relating to campaign finance regulation, the appropriateness of their sanctions, and the appropriate handling and disposition of campaign contributions;

(2) The administration of those laws, policies, and procedures at the State and local levels and the responsibilities of those administrating these laws; and

(3) Federal and State case rulings impinging on these laws, policies, and practices.

(b) The Commission shall recommend changes to the law that will:

(1) Clarify the present law by removing inconsistencies and outdated provisions, including those of dubious constitutionality;

(2) Incorporate in the law any desirable uncodified procedures, practices, and rulings of a general nature that have been implemented by the State Board of Elections and its Executive Secretary-Director;

(3) Conform the law to State and federal case law and to any requirements of federal statutory law and regulation;

(4) Ensure the efficient and effective administration of elections in this State;

(5) Continue the impartial, professional administration of elections, which the citizens of the State expect and demand; and

(6) Recodify the election laws, as necessary, to produce a comprehensive current statement of law and practice of elections in North Carolina.

Sec. 3.3. With the prior approval of the Legislative Services Commission, the Legislative Administrative Officer shall assign professional and clerical staff to assist in the work of the Election Laws Review Commission. Clerical staff shall be furnished to the Commission through the Offices of the House of Representatives and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. With the prior approval of the Legislative Services Commission, the Election Laws Review Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

Sec. 3.4. The Commission shall submit a final written report of its findings and recommendations on or before the convening of the 1995 Session of the General Assembly. All reports shall be filed with the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives, the Principal Clerks of the Senate and the House of Representatives, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

Sec. 3.5. Members of the Commission shall be paid *per diem*, subsistence, and travel allowances as follows:

(1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120–3.1;

(2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138–6;

(3) All other Commission members, at the rate established in G.S. 138–5.

Sec. 3.6. The State Board of Elections and its Executive Secretary–Director, local boards of election, and all other State departments and agencies, and local governments and their subdivisions shall cooperate with the Commission and, upon request, shall furnish to the Commission and its staff any information in their possession or available to them.

Sec. 3.7. The Election Laws Review Committee, created by the Legislative Research Commission in 1993, is abolished.

PART IV.——INSURANCE FRAUD

(H.B. 1745 – Griffin)

Sec. 4.1. The Legislative Research Commission may study ways to improve the detection of insurance fraud and eliminate the occurrence of fraud through the development of fraud prevention programs, including the creation of a Division of Insurance Fraud Prevention within the Department of Insurance. The Commission may also study ways to require the return of fraudulently obtained insurance benefits and to reduce the amount of premium dollars used to pay fraudulent claims.

Sec. 4.2. The Legislative Research Commission may make a report to the 1995 General Assembly.

PART V.——GOVERNOR'S COMMISSION ON THE REDUCTION OF INFANT MORTALITY REPORTING DATE EXTENSION

Sec. 5.1. Section 284(a) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 284. (a) Of the funds appropriated in this act from the General Fund to the Department of Environment, Health, and Natural Resources for the Governor's Commission on the Reduction of Infant Mortality, the sum of fifty thousand dollars ($50,000) for the 1993–94 fiscal year shall be used to contract with outside evaluators

to determine the extent to which the public and private health, social services and mental health, developmental disabilities, and substance abuse services systems in each county meet the health needs of pregnant women and infants up to age one, and of children ages one to five. The study shall include, but not be limited to: an examination of the percentage of pregnant women in each county that receive early and continuous prenatal care; the extent to which eligible pregnant women, infants, and children are receiving nutritional supplements, case management and other necessary health, social, mental health, and other support services; and the extent to which children are receiving age–appropriate immunizations. The study shall determine what barriers, if any, exist in each county which prevent pregnant women, infants, and children under the age of five from receiving timely and necessary health services. The Governor's Commission on the Reduction of Infant Mortality shall report its findings to the General Assembly on or before ~~May 15,~~ October 1, 1994."

PART VI.———HEALTH PLANNING COMMISSION REPORT EXTENSION

Sec. 6.1. Section 2.1(b) of Chapter 529 of the 1993 Session Laws (1993 Session) reads as rewritten:

"(b) The ~~Governor~~ Governor, acting upon recommendation of the Health Planning Commission, shall present to the General Assembly no later than ~~April 1, 1994,~~ February 1, 1995, a plan for consolidating all of the State health functions into one State Department of Health. The plan shall be based upon and shall address the principles and elements outlined in subsections (c) and (d) of this section."

PART VII.———APPROPRIATION FOR STUDIES

Sec. 7.1. From the appropriations to the General Assembly for studies, the Legislative Services Commission may allocate funds to conduct the studies authorized by Parts II and III of this act.

PART VIII.———EFFECTIVE DATE

Sec. 8.1. This act is effective upon ratification. Part II of this act is repealed on June 30, 1995.

On motion of Senator Sands, the Conference Report is adopted (34–0), changing the title, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## CONFERENCE REPORT

**S.B. 94** (House Committee Substitute No. 2)

Senator Plexico, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 94** (House Committee Substitute No. 2), a bill to authorize units of local government, local school boards, and community colleges to enter into guaranteed energy savings contracts in order to finance energy conservation measures in local public facilities, submits the following report:

*To the President of the Senate and the*
*Speaker of the House of Representatives:*

The conferees, appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 94, A BILL TO BE ENTITLED AN ACT

TO AUTHORIZE UNITS OF LOCAL GOVERNMENT, LOCAL SCHOOL BOARDS, AND COMMUNITY COLLEGES TO ENTER INTO GUARANTEED ENERGY SAVINGS CONTRACTS IN ORDER TO FINANCE ENERGY CONSERVATION MEASURES IN LOCAL PUBLIC FACILITIES., Sixth Edition Engrossed 6/22/94, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute (Sixth Edition Engrossed 6/22/94) and the Senate concurs in the House Committee Substitute (Sixth Edition Engrossed 6/22/94), as amended:

On page 4, line 38, by deleting "six" and by substituting "eight".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 16, 1994.

| | |
|---|---|
| S/Roy A. Cooper, III | S/James F. Bowman |
| S/C.R. Edwards | C. Robert Brawley |
| S/J. Clark Plexico | S/Karen E. Gottovi |
| S/Lura S. Tally | Robert C. Hunter |
| | S/Paul Luebke |
| | S/Josephus L. Mavretic |
| | S/H. M. Michaux, Jr. |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

The Chair rules the measure does not require a call of the roll.

On motion of Senator Plexico, the Conference Report is adopted (35–0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

**S.B. 1724**, a bill to appoint persons to various public offices upon the recommendation of the President and President *Pro Tempore* of the Senate, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1724** (House Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the President and President *Pro Tempore* of the Senate and to make technical changes concerning appointments.

On motion of Senator Basnight, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill (32–0), changing the title, and the measure is ordered enrolled.

**H.B. 291** (Committee Substitute), a bill appointing persons to various public offices upon the recommendation of the Speaker of the House of Representatives and otherwise relating to appointments to certain boards.

On motion of Senator Basnight, without objection, the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (32–0) and third readings and is ordered enrolled.

## CONFERENCE REPORT

**S.B. 1505** (House Committee Substitute)

Senator Daniel, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1505** (House Committee Substitute), a bill to modify the Current Operations Appropriations Act of 1993, to make appropriations for capital improvements for the 1994–95 Fiscal Year, and to make other changes in the budget operation of the State, submits the following report:

*To the President of the Senate and the*
*Speaker of the House of Representatives:*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1505, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 1993, TO MAKE APPROPRIATIONS FOR CAPITAL IMPROVEMENTS FOR THE 1994–95 FISCAL YEAR, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, House Committee Substitute Fifth Edition Engrossed 6/21/94, submit the following report:

The House of Representatives and the Senate agree to the following amendment to the House Committee Substitute Fifth Edition Engrossed 6/21/94, and the Senate concurs in the House Committee Substitute Fifth Edition Engrossed 6/21/94, as amended:

Delete the entire House Committee Substitute Fifth Edition Engrossed 6/21/94, and substitute the attached Proposed Conference Committee Substitute PCCS5852.

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: July 16, 1994.

S/George B. Daniel
S/Aaron W. Plyler
S/Ted Kaplan
S/Howard N. Lee
S/Fountain Odom
S/R.L. Martin
S/J. Clark Plexico
S/Beverly Perdue
S/Russell G. Walker
S/Fletcher L. Hartsell, Jr.
S/Marvin Ward
S/Betsy Cochrane

S/David H. Diamont
S/Martin Nesbitt
S/James B. Black
S/Gene Rogers
S/Narvel J. Crawford, Jr.
S/William L. Wainwright
S/Ruth M. Easterling
S/Edd Nye
S/B. Holt
S/J. Fred Bowman
S/Mary E. McAllister
S/John B. McLaughlin
S/J. Shawn Lemmond
S/Dub Dickson
S/Joanne W. Bowie
S/Lyons Gray

S/Theresa H. Esposito
S/George S. Robinson
Anne C. Barnes
S/Milton F. Fitch, Jr.
S/David Redwine
S/Thomas E. Wright
S/Howard J. Hunter, Jr.
S/William O. Richardson
S/R.J. Hensley, Jr.

*Conferees for the Senate*

*Conferees for the House of Representatives*

The text of the attached Proposed Conference Committee Substitute bill PCCS 5852 reads as follows:

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 1993, TO MAKE APPROPRIATIONS FOR CAPITAL IMPROVEMENTS FOR THE 1994–95 FISCAL YEAR, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

**INTRODUCTION**

Section 1. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the Executive Budget Act, or this act, the savings shall revert to the appropriate fund at the end of each fiscal year.

**TITLE OF ACT**

Sec. 2. This act shall be known as "The Current Operations and Capital Improvements Appropriations Act of 1994."

## TITLE I. CURRENT OPERATIONS

### PART 1. GENERAL FUND APPROPRIATIONS

**CURRENT OPERATIONS/STATE GOVERNMENT**

Sec. 3. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated, are made for the fiscal year ending June 30, 1995, according to the schedule that follows. The amounts set out in the schedule are in addition to other appropriations from the General Fund for these purposes for the 1994–95 fiscal year. Amounts set out in brackets are reductions from General Fund appropriations for the 1994–95 fiscal year.

| | GENERAL FUND OPERATING | |
|---|---|---|
| | RECURRING | NONRECURRING |
| Judicial | $ 4,491,387 | $ 5,387,990 |
| General Assembly | 3,131,250 | 4,010,000 |

| | | |
|---|---|---|
| Office of the Governor | | |
| 01. Office of the Governor | 194,978 | – |
| 02. Office of State Budget and Management | 37,089 | – |
| 03. Office of State Planning | 184,536 | – |
| 04. Special Appropriations | – | 7,397,500 |
| 05. Housing Finance Authority | – | 5,150,000 |
| Department of Secretary of State | 166,612 | – |
| Department of State Auditor | 701,766 | 380,730 |
| Department of State Treasurer | 2,763,090 | – |
| Public Education | | |
| 01. Department of Public Instruction | 3,881,787 | 900,000 |
| 02. State Aid to Local School Administrative Units | (12,871,620) | 75,542,343 |
| Total Public Education | (8,989,833) | 76,442,343 |
| Department of Justice | 364,767 | 789,565 |
| Department of Administration | 387,778 | 62,545 |
| Department of Agriculture | 1,850,766 | 650,000 |
| Department of Labor | 771,138 | 761,050 |
| Department of Insurance | 1,146,791 | – |
| Department of Environment, Health, and Natural Resources | 3,221,872 | 6,006,456 |
| University of North Carolina – Board of Governors | | |
| 01. University of North Carolina | | |
| a. General Administration | (178,349) | |
| b. Lump sum – Institutional Programs | 9,420,515 | 12,546,519 |
| c. Related Educational Programs | 4,540,000 | |
| 02. University of North Carolina at Chapel Hill | | |
| a. Academic Affairs | (1,482,962) | 238,358 |
| b. Health Affairs | (930,256) | |
| c. Area Health Education Centers | (70,506) | |
| 03. North Carolina State University at Raleigh | | |
| a. Academic | (1,508,632) | |
| b. Agricultural Research Service | 888,760 | 920,000 |
| c. Agricultural Extension Services | (156,289) | 25,000 |
| University of North Carolina at Greensboro | (432,636) | |
| University of North Carolina at Charlotte | (408,778) | |
| University of North Carolina at Asheville | 112,189 | |
| University of North Carolina at Wilmington | (245,570) | |
| East Carolina University | | |
| a. Academic | (612,126) | |
| b. Health Affairs | (466,736) | |
| North Carolina Agricultural and Technical State University | (402,382) | |
| Western Carolina University | (302,243) | |
| Appalachian State University | (350,783) | |
| Pembroke State University | (80,399) | |
| Winston–Salem State University | (134,673) | |

| | | |
|---|---|---|
| Elizabeth City State University | (139,131) | |
| Fayetteville State University | (52,197) | |
| North Carolina Central University | (231,408) | |
| North Carolina School of the Arts | (77,044) | |
| North Carolina School of Science and Mathematics | 303,993 | |
| University of North Carolina Hospitals at Chapel Hill | (201,782) | |
| | 6,800,575 | 13,729,877 |
| Department of Human Resources | | |
| 01. Secretary's Office | 1,453,979 | 2,000,000 |
| 02. Division of Aging | 485,182 | 200,000 |
| 03. Services for the Deaf and Hard of Hearing | 2,872,540 | |
| 04. Social Services | 6,830,819 | 1,415,167 |
| 05. Medical Assistance | (70,036,605) | 50,000 |
| 06. Services for the Blind | 228,050 | – |
| 07. Division of Mental Health, Developmental Disabilities, and Substance Abuse Services | 20,240,648 | 7,200,000 |
| 08. Division of Facility Services | 637,734 | – |
| 09. Division of Vocational Rehabilitation Services | 1,272,905 | – |
| 10. Division of Youth Services | 19,427 | 100,000 |
| 11. Division of Child Development | 24,039,898 | 1,300,000 |
| Total Human Resources | (11,955,423) | 12,265,167 |
| Department of Correction | (5,157,545) | (1,660,361) |
| Department of Commerce | | |
| 01. Commerce | 6,210,526 | 20,885,509 |
| 02. Microelectronics Center | 3,900,000 | – |
| 03. Rural Economic Development Center | 2,100,000 | 5,675,000 |
| 04. Biotechnology Center | 1,000,000 | 1,000,000 |
| 05. Technological Development Authority | – | 1,250,000 |
| Department of Revenue | 5,020,192 | 5,180,776 |
| Department of Cultural Resources | 287,427 | 4,067,500 |
| Department of Crime Control and Public Safety | 1,597,852 | 709,662 |
| Office of State Controller | 2,348,844 | 12,000,000 |
| Department of Community Colleges | 9,563,666 | 13,208,500 |
| State Board of Elections | 296,141 | 1,657,500 |
| Office of State Budget and Management | | |
| 01. Reserve for Salary Increases | | |
| a. 4% Salary Increase | 282,470,330 | – |
| b. Reduction in Balance of 2% Salary Increase | (1,757,024) | – |
| c. Compensation/Performance Bonus | – | 35,421,158 |
| 02. Reserve for Salary Adjustment | 500,000 | – |
| 03. Reserve for Retiree 30% Reduction | (16,318) | – |
| 04. Reserve for Restoring Pay Date | – | 120,000,000 |
| 05. Reserve for OSHA – Bloodborne Pathogens Standards | – | 1,000,000 |

| | | |
|---|---|---|
| 07. Reserve to Match Federal/Other Resources | – | 3,000,000 |
| 08. Reserve for Voter Registration | – | 1,000,000 |
| 09. Reserve for Subsistence Increase | 1,600,000 | – |
| 10. Reserve for Tort Claims | 400,000 | – |
| 11. Reserve for Education Technology Equipment | – | 42,000,000 |
| 12. Reserve for Criminal History Check – Child Day Care | 250,000 | – |
| Debt Service | 25,723,695 | |
| Savings Reserve Account | – | 66,700,000 |
| Grand Total Current Operations/General Fund | $341,606,925 | $467,928,557 |

| Current Operations/Highway Fund | 1994–95 |
|---|---|
| Department of Transportation | |
| 01. Administration | $ (531,000) |
| 02. Division of Highways | |
| a. Ferry Operations | 2,000,000 |
| b. Construction – Federal Aid Match | (3,867,179) |
| 03. Division of Motor Vehicles | 2,096,020 |
| 04. Reserve for Salary Increases | 14,400,000 |
| 05. Debt Service | (33,255) |
| Revenue | 71,968 |
| Environment, Health, and Natural Resources | 928,032 |
| Crime Control and Public Safety | 1,846,665 |
| GRAND TOTAL CURRENT OPERATIONS/HIGHWAY FUND | $ 16,911,251 |

**PART 2. HIGHWAY FUND APPROPRIATIONS – NONRECURRING**

**CURRENT OPERATIONS/HIGHWAY FUND – NONRECURRING APPROPRIATIONS/HIGHWAY FUND**

Sec. 4. Appropriations are made from the Highway Fund of the 1994–95 fiscal year for use by the Department of Transportation, and for other purposes to provide for one–time expenditures according to the following schedule:

| Current Operations/Highway Fund – Nonrecurring | 1994–95 |
|---|---|
| Department of Transportation | |
| 01. Administration | $ 332,000 |
| 02. Division of Highways | |
| a. State Construction | |
| (01) Secondary Construction | 4,300,000 |
| b. State Maintenance | |
| (01) Primary | 3,027,294 |
| (02) Secondary | 5,305,273 |
| (03) Urban | 3,875,220 |
| (04) Resurfacing | 1,627,392 |
| c. Ferry Operations | 141,000 |
| 03. Division of Motor Vehicles | 2,007,000 |

| | |
|---|---|
| 04. State Aid to Municipalities | 4,300,000 |
| 05. State Aid for Public Transportation | 5,800,000 |
| 06. State Aid for Railroads | 400,000 |
| 07. Reserve for Salary Increases (Compensation/ Performance Bonus) | 3,600,000 |
| 08. Battery Dump Site Cleanup | 115,000 |
| Appropriations for Other State Agencies | |
| 01. Crime Control and Public Safety | 888,570 |
| 02. Global TransPark Authority | 2,870,000 |
| GRAND TOTAL CURRENT OPERATIONS/HIGHWAY FUND – NONRECURRING | $ 38,588,749 |

**PART 4. HIGHWAY TRUST FUND**

Sec. 5. In addition to the appropriations made by Section 5 of Chapter 321 of the 1993 Session Laws, appropriations from the Highway Trust Fund are made for the 1994–95 fiscal year as follows:

| | |
|---|---|
| 01. Intrastate System | $ 42,564,140 |
| 02. Secondary Roads Construction | 4,815,971 |
| 03. Urban Loops | 17,211,167 |
| 04. State Aid – Municipalities | 4,465,972 |
| 05. Program Administration | 2,742,750 |
| 06. Transfer to General Fund | – |
| GRAND TOTAL/HIGHWAY TRUST FUND | $ 71,800,000 |

**PART 5. BLOCK GRANT PROVISION**

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

**DHR BLOCK GRANT PROVISIONS MODIFICATION**

Sec. 5.1. Section 2 of Chapter 591 of the 1993 Session Laws is amended by inserting a new subsection to read;

"(b) Decreases in Federal Fund Availability

If federal funds are reduced below the amounts specified above after the effective date of this act, then every program except for the Weatherization and the Indian Affairs Programs in the Low Income Energy Block Grant, in each of the federal block grants listed above, shall be reduced equally to total the reduction in federal funds."

**PART 6. GENERAL PROVISIONS**

Requested by: Senator Lee,
Representatives McAllister, McLaughlin

**HIGHWAY FUND AVAILABILITY INCREASE**

Sec. 6. Section 18 of Chapter 321 of the 1993 Session Laws, as amended by Section 7 of Chapter 561 of the 1993 Session Laws, reads as rewritten:

"Sec. 18. The Highway Fund appropriations availability used in developing the 1993–95 Highway Fund budget is shown below:

| | ($Million) 1993–94 | | ($Million) 1994–95 |
|---|---|---|---|
| Beginning Credit Balance | $21.03 | – | $40.5 |
| Estimated Revenues: | 944.6 | ~~$ 961.3~~ | 979.3 |
| Transfer from Equipment Fund | 10.0 | | – |
| Transfer to Highway Trust Fund | – | | (9.6) |
| Total Highway Fund Availability | $975.63 | ~~$951.7.~~ | 1,010.2." |

**PART 7. SALARIES AND BENEFITS**

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**APPROPRIATIONS**

Sec. 7. (a) Of the funds appropriated in this act from the General Fund to the Reserves for Salary Increases, the sum of three hundred seventeen million eight hundred ninety–one thousand four hundred eighty–eight dollars ($317,891,488) for the 1994–95 fiscal year shall be used to generally provide a four percent (4%) permanent salary increase and a one percent (1%) compensation bonus for State employees, community college employees, and certain public school personnel.

(b) Of the funds appropriated in this act from the Highway Fund to the Reserve for Salary Increases, the sum of eighteen million dollars ($18,000,000) for the 1994–95 fiscal year shall be used to generally provide a four percent (4%) permanent salary increase and a one percent (1%) compensation bonus for employees paid from that fund.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**GOVERNOR'S SALARY INCREASE**

Sec. 7.1. G.S. 147–11(a) reads as rewritten:

"(a) The salary of the Governor shall be ~~ninety–three thousand seven hundred seventy–seven dollars ($93,777)~~ ninety–seven thousand six hundred dollars ($97,600) annually, payable monthly."

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**COUNCIL OF STATE/SALARY INCREASE**

Sec. 7.2. Section 49 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 49. The annual salaries for members of the Council of State, payable monthly, for the ~~1993–94 and~~ 1994–95 fiscal ~~years~~ year are:

| Council of State | Annual Salary |
|---|---|
| Lieutenant Governor | ~~$77,289~~ 87,000 |
| Attorney General | ~~77,289~~ 87,000 |
| Secretary of State | ~~77,289~~ 87,000 |
| State Treasurer | ~~77,289~~ 87,000 |
| State Auditor | ~~77,289~~ 87,000 |
| Superintendent of Public Instruction | ~~77,289~~ 87,000 |
| Agriculture Commissioner | ~~77,289~~ 87,000 |
| Insurance Commissioner | ~~77,289~~ 87,000 |
| Labor Commissioner | ~~77,289~~ 87,000." |

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**NONELECTED DEPARTMENT HEAD/SALARY INCREASES**

Sec. 7.3. Section 50 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 50. In accordance with G.S. 143B–9, the maximum annual salaries, payable monthly, for the nonelected heads of the principal State departments for the ~~1993–94 and~~ 1994–95 fiscal ~~years~~ year are:

| Nonelected Department Heads | Annual Salary |
|---|---|
| Secretary of Administration | ~~$77,289~~ 85,000 |
| Secretary of Correction | ~~77,289~~ 85,000 |
| Secretary of Crime Control and Public Safety | ~~77,289~~ 85,000 |
| Secretary of Cultural Resources | ~~77,289~~ 85,000 |
| Secretary of Commerce | ~~77,289~~ 85,000 |
| Secretary of Environment, Health, and Natural Resources | ~~77,289~~ 85,000 |
| Secretary of Human Resources | ~~77,289~~ 85,000 |
| Secretary of Revenue | ~~77,289~~ 85,000 |
| Secretary of Transportation | ~~77,289~~ 85,000." |

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**CERTAIN EXECUTIVE BRANCH OFFICIALS/SALARY INCREASES**

Sec. 7.4. (a) Section 51(a) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(a) The annual salaries, payable monthly, for the ~~1993–94 and~~ 1994–95 fiscal ~~years~~ year for the following executive branch officials are:

| Executive Branch Officials | Annual Salary |
|---|---|
| Chairman, Alcoholic Beverage Control Commission | ~~$74,389~~ 77,365 |
| State Controller | ~~120,301~~ 108,271 |
| Commissioner of Motor Vehicles | ~~74,389~~ 77,365 |
| Commissioner of Banks | ~~74,389~~ 77,365 |
| Chairman, Employment Security Commission | ~~74,389~~ 77,365 |
| State Personnel Director | ~~77,289~~ 85,000 |
| Chairman, Parole Commission | ~~67,926~~ 70,643 |
| Members of the Parole Commission | ~~62,712~~ 65,220 |
| Chairman, Industrial Commission | ~~66,837~~ 69,510 |
| Members of the Industrial Commission | ~~65,209~~ 67,817 |
| Chairman of the Utilities Commission | 81,381 |
| Commissioner of the Utilities Commission | 80,381 |
| Executive Director, Agency for Public Telecommunications | ~~62,712~~ 65,220 |
| General Manager, Ports Railway Commission | ~~56,628~~ 58,893 |
| Director, Museum of Art | ~~76,225~~ 79,274 |
| Executive Director, Wildlife Resources Commission | ~~64,205~~ 66,773 |
| Executive Director, North Carolina Housing Finance Agency | ~~92,063~~ 95,746 |
| Executive Director, North Carolina Agricultural Finance Authority | ~~72,406~~ 75,302 |
| Director, Office of Administrative Hearings | ~~65,674~~ 76,500." |

(b) G.S. 62–10(h) reads as rewritten:

"(h) The salary of each commissioner and that of the commissioner designated as chairman shall be ~~the same as that fixed from time to time for judges of the superior court except that the commissioner designated as chairman shall receive one thousand dollars ($1,000) additional per annum.~~ set by the General Assembly in the Current Operations Appropriations Act. In lieu of merit and other increment raises paid to regular State employees, each commissioner, including the commissioner designated as chairman, shall receive as longevity pay an amount equal to four and eight–tenths percent (4.8%) of the annual salary set forth in the Current Operations Appropriations Act payable monthly after five years of service, and nine and six–tenths percent (9.6%) after 10 years of service. 'Service' means service as a member of the Utilities Commission."

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**LEGISLATORS/SALARY AND EXPENSES INCREASE**

Sec. 7.5. Effective upon convening of the 1995 Regular Session of the General Assembly, G.S. 120–3 reads as rewritten:

**"§ 120–3. Pay of members and officers of the General Assembly.**

(a) The Speaker of the House shall be paid an annual salary of ~~thirty–six thousand three hundred thirty–four dollars ($36,334),~~ thirty–eight thousand one hundred fifty–one dollars ($38,151) payable monthly, and an expense allowance of ~~one thousand three hundred forty–six dollars ($1,346)~~ one thousand four hundred thirteen dollars ($1,413) per month. The President *Pro Tempore* of the Senate shall be paid an annual salary of ~~thirty–six thousand three hundred thirty–four dollars ($36,334),~~ thirty–eight thousand one hundred fifty–one dollars ($38,151) payable monthly, and an expense allowance of ~~one thousand three hundred forty–six dollars ($1,346)~~ one thousand four hundred thirteen dollars (1,413) per month. The Speaker *Pro Tempore* of the House shall be paid an annual salary of ~~twenty thousand seven hundred four dollars ($20,704)~~ twenty–one thousand seven hundred thirty–nine dollars ($21,739) payable monthly, and an expense allowance of ~~seven hundred ninety–six dollars ($796.00)~~ eight hundred thirty–six dollars (836.00) per month. The Deputy President *Pro Tempore* of the Senate shall be paid an annual salary of ~~twenty thousand seven hundred four ($20,704)~~ twenty–one thousand seven hundred thirty–nine dollars ($21,739) payable monthly, and an expense allowance of ~~seven hundred ninety–six dollars ($796.00)~~ eight hundred thirty–six dollars ($836.00) per month. The majority and minority leaders in the House and the majority and minority leaders in the Senate shall be paid an annual salary of ~~sixteen thousand two hundred thirty–six dollars ($16,236)~~ seventeen thousand forty–eight dollars ($17,048) payable monthly, and an expense allowance of ~~six hundred thirty–four dollars ($634.00)~~ six hundred sixty–six dollars ($666.00) per month.

(b) Every other member of the General Assembly shall receive increases in annual salary only to the extent of and in the amounts equal to the average increases received by employees of the State, effective upon convening of the next Regular Session of the General Assembly after enactment of these increased amounts. Accordingly, upon convening of the 1995 Regular Session of the General Assembly, every other member of the General Assembly shall be paid an annual salary of ~~thirteen thousand two hundred eighty–seven dollars ($13,287)~~ thirteen thousand nine hundred fifty–one dollars ($13,951) payable monthly, and an expense allowance of ~~five hundred thirty–two dollars ($532.00)~~ five hundred fifty–nine dollars ($559.00) per month.

(c) The salary and expense allowances provided in this section are in addition to any *per diem* compensation and any subsistence and travel allowance authorized by any other law with respect to any regular or extra session of the General Assembly, and service on any State board, agency, commission, standing committee and study commission."

Requested by: Representatives Nesbitt, Diamont,
Senators Daniel, Plyler

**GENERAL ASSEMBLY PRINCIPAL CLERKS/SALARY INCREASES**

Sec. 7.6. G.S. 120–37(c) reads as rewritten:

"(c) The principal clerks shall be full–time officers. Each principal clerk shall be entitled to other benefits available to permanent legislative employees and shall be paid an annual salary of ~~forty–seven thousand six hundred twenty dollars ($47,620)~~ fifty–four thousand dollars ($54,000) payable monthly. The Legislative Services Commission shall review the salary of the principal clerks prior to submission of the proposed operating budget of the General Assembly to the Governor and Advisory Budget Commission and shall make appropriate recommendations for changes in those salaries. Any changes enacted by the General Assembly shall be by amendment to this paragraph."

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**SERGEANT–AT–ARMS AND READING CLERKS/SALARY INCREASES**

Sec. 7.7. G.S. 120–37(b) reads as rewritten:

"(b) The sergeant–at–arms and the reading clerk in each house shall be paid a salary of ~~two hundred twenty–three dollars ($223.00)~~ two hundred thirty–two dollars ($232.00) per week, plus subsistence at the same daily rate provided for members of the General Assembly, plus mileage at the rate provided for members of the General Assembly for one round trip only from their homes to Raleigh and return. The sergeants–at–arms shall serve during sessions of the General Assembly and at such time prior to the convening of, and subsequent to adjournment or recess of, sessions as may be authorized by the Legislative Services Commission. The reading clerks shall serve during sessions only."

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**LEGISLATIVE EMPLOYEES/SALARY INCREASES**

Sec. 7.8. The Legislative Administrative Officer shall increase the salaries of nonelected employees of the General Assembly in effect for fiscal year 1993–94 by four percent (4%). Nothing in this act limits any of the provisions of G.S. 120–32.

Requested by: Senators Daniel, Plyler,
Representatives Hensley, Nesbitt, Diamont

**JUDICIAL BRANCH OFFICIALS/SALARY INCREASE**

Sec. 7.9. (a) Section 56(a) of Chapter 321 of the Session Laws of 1993 reads as rewritten:

"(a) The annual salaries, payable monthly, for specified judicial branch officials for ~~fiscal year 1993–94 and~~ fiscal year 1994–95 are:

| Judicial Branch Officials | | Annual Salary |
|---|---|---|
| Chief Justice, Supreme Court | ~~$93,777~~ | 97,600 |
| Associate Justice, Supreme Court | ~~91,855~~ | 96,000 |

| | | |
|---|---|---|
| Chief Judge, Court of Appeals | ~~88,930~~ | 93,600 |
| Judge, Court of Appeals | ~~86,996~~ | 92,000 |
| Judge, Senior Regular Resident Superior Court | ~~79,823~~ | 89,500 |
| Judge, Superior Court | ~~77,289~~ | 87,000 |
| Chief Judge, District Court | ~~68,256~~ | 79,000 |
| Judge, District Court | ~~65,674~~ | 76,500 |
| District Attorney | ~~71,965~~ | 80,600 |
| ~~Assistant District Attorney – an average of~~ | ~~46,738~~ | |
| Administrative Officer of the Courts | ~~79,823~~ | 89,500 |
| Assistant Administrative Officer of the Courts | ~~65,160~~ | 75,160 |
| Public Defender | ~~71,965~~ | 80,600. |
| ~~Assistant Public Defender – an average of~~ | ~~46,738~~. | |

If an acting senior regular resident superior court judge is appointed under the provisions of G.S. 7A–41, he shall receive the salary for Judge, Senior Regular Resident, Superior Court, until his temporary appointment is vacated, and the judge he replaces shall receive the salary indicated for Judge, Superior Court.

~~The district attorney or public defender of a judicial district, with the approval of the Administrative Officer of the Courts, shall set the salaries of assistant district attorneys or assistant public defenders, respectively, in that district such that the average salaries of assistant district attorneys or assistant public defenders in that district do not exceed forty–six thousand seven hundred thirty–eight dollars ($46,738), and the minimum salary of any assistant district attorney or assistant public defender is at least twenty–three thousand eight hundred sixty–two dollars ($23,862) effective July 1, 1993.~~"

(b) The district attorney or public defender of a judicial district, with the approval of the Administrative Officer of the Courts, shall set the salaries of assistant district attorneys or assistant public defenders, respectively, in that district such that the average salaries of assistant district attorneys or assistant public defenders in that district do not exceed forty–eight thousand six hundred eight dollars ($48,608), and the minimum salary of any assistant district attorney or assistant public defender is at least twenty–four thousand eight hundred sixteen dollars ($24,816) effective July 1, 1994.

(c) The salaries in effect for fiscal year 1993–94 for permanent, full–time employees of the Judicial Department, except for those whose salaries are itemized in this Part, shall be increased by four percent (4%), commencing July 1, 1994.

(d) The salaries in effect for fiscal year 1993–94 for all permanent, part–time employees of the Judicial Department shall be increased on and after July 1, 1994, by pro rata amounts of the four percent (4%).

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont, Hensley, Redwine, Crawford

**CLERK OF SUPERIOR COURT SALARY DETERMINATION/INCREASE**

Sec. 7.10. (a) G.S. 7A–101(a) reads as rewritten:

"(a) The clerk of superior court is a full–time employee of the State and shall receive an annual salary, payable in equal monthly installments, based on the population of the county as determined in subsection (a1) of this section, according to the following schedule:

| Population | | Annual Salary |
|---|---|---|
| Less than 100,000 | ~~$48,391~~ | 57,670 |
| 100,000 to 149,999 | ~~54,621~~ | 64,780 |
| 150,000 to 249,999 | ~~62,247~~ | 71,890 |
| 250,000 and above | ~~68,256.~~ | 79,000. |

The salary schedule in this subsection is intended to represent the following percentage of the salary of a chief district court judge:

| | |
|---|---|
| Less than 100,000 | 73% |
| 100,000 to 149,999 | 82% |
| 150,000 to 249,999 | 91% |
| 250,000 and above | 100%. |

When a county changes from one population group to another, the salary of the clerk shall be changed, on July 1 of the fiscal year for which the change is reported, to the salary appropriate for the new population group, except that the salary of an incumbent clerk shall not be decreased by any change in population group during his continuance in office."

(b) The increase required for the new annual salaries provided in subsection (a) of this section shall be funded from funds available to the Administrative Office of the Courts for fiscal year 1994–95.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont, Redwine, Crawford

**ASSISTANT AND DEPUTY CLERKS OF COURT/SALARY INCREASE**

Sec. 7.11. G.S. 7A–102(c) reads as rewritten:

"(c) Notwithstanding the provisions of subsection (a), the Administrative Officer of the Courts shall establish an incremental salary plan for assistant clerks and for deputy clerks based on a series of salary steps corresponding to the steps contained in the Salary Plan for State Employees adopted by the Office of State Personnel, subject to a minimum and a maximum annual salary as set forth below. On and after July 1, 1985, each assistant clerk and each deputy clerk shall be eligible for an annual step increase in his salary plan based on satisfactory job performance as determined by each clerk. Notwithstanding the foregoing, if an assistant or deputy clerk's years of service in the office of superior court clerk would warrant an annual salary greater than the salary first established under this section, that assistant or deputy clerk shall be eligible on and after July 1, 1984, for an annual step increase in his salary plan. Furthermore, on and after July 1, 1985, that assistant or deputy clerk shall be eligible for an increase of two steps in his salary plan, and shall remain eligible for a two–step increase each year as recommended by each clerk until that assistant or deputy clerk's annual salary corresponds to his number of years of service. Any person covered by this subsection who would not receive a step increase in fiscal year ~~1993–94~~ 1994–95 because that person is at the top of the salary range as it existed for fiscal year ~~1992–93~~ 1993–94 shall receive a salary increase to the maximum annual salary provided by subsection (c1) of this section."

Sec. 7.12. G.S. 7A–102(c1) reads as rewritten:

"(c1) A full–time assistant clerk or a full–time deputy ~~clerk~~ clerk, and up to one full–time deputy clerk serving as head bookkeeper per county, shall be paid an annual salary subject to the following minimum and maximum rates:

| Assistant Clerks and Head Bookkeeper | | Annual Salary |
|---|---|---|
| Minimum | ~~$20,712~~ | 21,126 |
| Maximum | ~~35,967~~ | 37,406 |
| Deputy Clerks | | Annual Salary |
| Minimum | ~~$16,560~~ | 16,891 |
| Maximum | ~~27,705.~~ | 28,813." |

Requested by: Senators Odom, Ballance, Gulley, Blackmon, Marshall, Daniel, Plyler, Representatives Nesbitt, Diamont, Redwine

**RAISE EDUCATIONAL QUALIFICATIONS OF MAGISTRATES/MODIFY MAGISTRATES' PAY PLAN**

Sec. 7.13. (a) G.S. 7A–171.2 reads as rewritten:

**"§ 7A–171.2. Qualifications for nomination or renomination.**

(a) In order to be eligible for nomination or for renomination as a magistrate an individual ~~must~~ shall be a resident of the county for which he is appointed.

(b) ~~To be eligible for nomination as a magistrate, an individual must have successfully completed a high school education, or have qualified for a certificate of high school equivalency, or have successfully completed the course of basic training prescribed by G.S. 7A–177.~~ To be eligible for nomination as a magistrate, an individual shall have a four–year degree from an accredited senior institution of higher education or shall have a two–year associate degree and four years of work experience in a related field, including teaching, social services, law enforcement, arbitration or mediation, the court system, or counseling. The Administrative Officer of the Courts may determine whether the work experience is sufficiently related to the duties of the office of magistrate for the purposes of this subsection. In determining whether an individual's work experience is in a related field, the Administrative Officer of the Courts shall consider the requisite knowledge, skills, and abilities for the office of magistrate.

The eligibility requirements prescribed by this subsection do not apply to individuals holding the office of magistrate on June 30, 1994, and do not apply to individuals who have been nominated by June 30, 1994, but who have not been appointed or taken the oath of office by that date.

(c) In order to be eligible for renomination as a magistrate an individual ~~must~~ shall have successfully completed the course of basic training for magistrates prescribed by G.S. 7A–177.

(d) Notwithstanding any other provision of this subsection, an individual who holds the office of magistrate on July 1, 1977, shall not be required to have successfully completed the course of basic training for magistrates prescribed by G.S. 7A–177 in order to be eligible for renomination as a magistrate."

(b) G.S. 7A–171.1 reads as rewritten:

**"§ 7A–171.1. Duty hours, salary, and travel expenses within county.**

(a) The Administrative Officer of the Courts, after consultation with the chief district judge and pursuant to the following provisions, shall set an annual salary for each magistrate.

(1) A full–time ~~magistrate, so designated by the Administrative Officer of the Courts,~~ magistrate shall be paid the annual salary indicated in the table ~~below according to the number of years he has served as a magistrate. The salary steps shall take effect on the anniversary of the date the magistrate was originally appointed:~~ set out in this subdivision. A full–time magistrate is a magistrate who is assigned to work an average of not less than 40 hours a week during the term of office. The Administrative Officer of the Courts shall designate whether a magistrate is full–time. Initial appointment shall be at the entry rate. A magistrate's salary shall increase to the next step every two years on the anniversary of the date the magistrate was originally appointed for increases to Steps 1 through 3, and every four years on the anniversary of the date the magistrate was originally appointed for increases to Steps 4 through 6.

Table of Salaries of Full–Time Magistrates

| ~~Number of Prior Years of Service~~ | ~~Annual Salary~~ |
|---|---|
| ~~Less than 1~~ | ~~$17,399~~ |
| ~~1 or more but less than 3~~ | ~~18,293~~ |
| ~~3 or more but less than 5~~ | ~~20,092~~ |
| ~~5 or more but less than 7~~ | ~~22,075~~ |
| ~~7 or more but less than 9~~ | ~~24,290~~ |
| ~~9 or more but less than 11~~ | ~~26,702~~ |
| ~~11 or more~~ | ~~29,333.~~ |
| | Annual Salary |
| Entry Rate | $22,958 |
| Step 1 | 25,262 |
| Step 2 | 27,770 |
| Step 3 | 30,506 |
| Step 4 | 33,503 |
| Step 5 | 36,797 |
| Step 6 | 40,420. |

~~A 'Full–time magistrate' is a magistrate who is assigned to work an average of not less than 40 hours a week during his term of office. Notwithstanding any other provision of this subdivision, a full–time magistrate, who was serving as a magistrate on December 31, 1978, and who was receiving an annual salary in excess of that which would ordinarily be allowed under the provisions of this subdivision, shall not have the salary, which he was receiving reduced during any subsequent term as a full–time magistrate. That magistrate's salary shall be fixed at the salary level from the table above which is nearest and higher than the latest annual salary he was receiving on December 31, 1978, and, thereafter, shall advance in accordan–ce with the schedule in the table above.~~

(2) A part–time ~~magistrate, so designated by the Administrative Officer of the Courts, is included, in accordance with G.S. 7A–170, under the provisions of G.S. 135–1(10) and 135–40.2(a) and~~ magistrate is a magistrate who is assigned to work an average of less than 40 hours of work a week during the term, except that no magistrate shall be assigned an average of less than 10 hours of work a week during the term. A part–time magistrate is included, in accordance with G.S. 7A–170, under the provisions of G.S. 135–1(10) and G.S. 135–40.2(a). The Administrative Officer of the Courts designates whether a magistrate is a part–time magistrate. A part–time magistrate shall receive an annual salary based on the following formula: The average number of hours a week that a part–time magistrate is assigned work during ~~his~~ the term shall be multiplied by the annual salary payable to a full–time magistrate who has the same number of years of service prior to the beginning of that term as does the part–time magistrate and the product of that multiplication shall be divided by the number 40. The quotient shall be the annual salary payable to that part–time magistrate.

~~A 'part–time magistrate' is a magistrate who is assigned to work an average of less than 40 hours of work a week during his term. No magistrate may be assigned an average of less than 10 hours of work a week during his term.~~

~~Notwithstanding any other provision of this subdivision, upon reappointment as a magistrate and being assigned to work the same or greater number of hours as he worked as a magistrate for a term of office ending on December 31, 1978, a person who received an annual salary in excess of that to which he would be entitled under the formula contained in this subdivision shall receive an annual salary equal to that received during the prior term. That magistrate's salary shall increase in accordance with the salary formula contained in this subdivision.~~

(3) ~~Notwithstanding any other provision of this section, a magistrate with a two-year Associate in Applied Science degree in criminal justice or paralegal training from a North Carolina community college or the equivalent degree from a private educational institution in North Carolina, shall receive the annual salary provided in the table above for a magistrate with three years of service in addition to those which the magistrate has served; a magistrate with a four-year degree from an accredited senior institution of higher education shall receive the annual salary provided in the table above for a magistrate with five years of service in addition to those which the magistrate has served; a magistrate who holds a law degree from an accredited law school shall receive the annual salary provided in the table above for a magistrate with seven years of service in addition to those which the magistrate has served; and a magistrate who is licensed to practice law in North Carolina shall receive the annual salary provided in the table above for a magistrate with nine years of service in addition to those which the magistrate has served.~~

~~Magistrates with a two or four-year degree or a law degree described herein who became magistrates before July 1, 1979 are entitled to an increase of three, five and seven years, respectively, in their seniority, for pay purposes only. Full-time magistrates licensed to practice law in North Carolina who became magistrates before July 1, 1979 are entitled to the pay of a magistrate with 9 or more years of service, and part-time magistrates holding a law degree or a license to practice law as described above who became magistrates before July 1, 1979 are entitled to a proportionate adjustment in their pay. Pay increases authorized by this paragraph of this subdivision are not retroactive.~~ Notwithstanding any other provision of this subsection, an individual who, when initially appointed as a full-time magistrate, is licensed to practice law in North Carolina, shall receive the annual salary provided in the Table in subdivision (1) of this subsection for Step 4. This magistrate's salary shall increase to the next step every four years on the anniversary of the date the magistrate was originally appointed. An individual who, when initially appointed as a part-time magistrate, is licensed to practice law in North Carolina, shall be paid an annual salary based on that for Step 4 and determined according to the formula in subdivision (2) of this subsection. This magistrate's salary shall increase to the next step every four years on the anniversary of the date the magistrate was originally appointed. The salary of a full-time magistrate who acquires a license to practice law in North Carolina while holding the office of magistrate and who at the time of acquiring the license is receiving a salary at a level lower than Step 4 shall be adjusted to Step 4 and, thereafter, shall advance in accordance with the Table's schedule. The salary of a part-time magistrate

who acquires a license to practice law in North Carolina while holding the office of magistrate and who at the time of acquiring the license is receiving an annual salary as determined by subdivision (2) of this subsection based on a salary level lower than Step 4 shall be adjusted to a salary based on Step 4 in the Table and, thereafter, shall advance in accordance with the provision in subdivision (2) of this subsection.

~~(4) Notwithstanding any other provision of this section, a magistrate with 10 years' experience within the last 12 years as a sheriff or deputy sheriff, administrative officer for a district attorney, city or county police officer, campus police officer, wildlife officer, or highway patrolman in the State of North Carolina, or with 20 years' experience as a sheriff or deputy sheriff, city or county police officer, campus police officer, wildlife officer, or highway patrolman in the State of North Carolina, or with 10 years' experience within the last 12 years as clerk of superior court or an assistant or deputy clerk of court in the State of North Carolina shall receive the annual salary provided in the table in subdivision (1) for a magistrate with five years of service in addition to those the magistrate has served. A magistrate who qualifies for the increased salary under both subdivisions (3) and (4) of this subsection shall receive either the salary determined under subdivision (3) or that determined under subdivision (4), whichever is higher, but no more.~~

(a1) Notwithstanding subsection (a) of this section, the following salary provisions apply to individuals who were serving as magistrates on June 30, 1994:

(1) The salaries of magistrates who on June 30, 1994, were paid at a salary level of less than five years of service under the table in effect that date shall be as follows:

| | |
|---|---|
| Less than 1 year of service | $ 18,095 |
| 1 or more but less than 3 years of service | 19,025 |
| 3 or more but less than 5 years of service | 20,896. |

Upon completion of five years of service, those magistrates shall receive the salary set as the Entry Rate in the table in subsection (a).

(2) The salaries of magistrates who on June 30, 1994, were paid at a salary level of five or more years of service shall be based on the rates set out in subsection (a) as follows:

| Salary Level on June 30, 1994 | Salary Level on July 1, 1994 |
|---|---|
| 5 or more but less than 7 years of service | Entry Rate |
| 7 or more but less than 9 years of service | Step 1 |
| 9 or more but less than 11 years of service | Step 2 |
| 11 or more years of service | Step 3. |

Thereafter, their salaries shall be set in accordance with the provisions in subsection (a).

(3) The salaries of magistrates who are licensed to practice law in North Carolina shall be adjusted to the annual salary provided in the table in subsection (a) as Step 4, and, thereafter, their salaries shall be set in accordance with the provisions in subsection (a).

(4) The salaries of 'part-time magistrates' shall be set under the formula set out in subdivision (2) of subsection (a) but according to the rates set out in this subsection.

~~(5)~~ (a2) The Administrative Officer of the Courts shall provide magistrates with longevity pay at the same rates as are provided by the State to its employees subject to the State Personnel Act.

(b) Notwithstanding G.S. 138–6, a magistrate may not be reimbursed by the State for travel expenses incurred on official business within the county in which the magistrate resides."

(c) Subsection (a1) of G.S. 7A–171.1, as added by subsection (b) of this section, expires June 30, 1999.

(d) Notwithstanding the provisions of G.S. 7A–171.1 or G.S. 7A–171.2, as rewritten by this act, any magistrate hired on or after July 1, 1994 and before the date of ratification of this act shall be treated as though they were employed on June 30, 1994, if the magistrate does not possess the educational and experience qualifications required by this section.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**AUTHORIZED TRANSFERS/SALARY ADJUSTMENT FUNDS**

Sec. 7.14. The Director of the Budget may transfer to General Fund budget codes from the General Fund salary adjustment appropriation, and may transfer to Highway Fund budget codes from the Highway Fund salary adjustment appropriation, amounts required to support approved salary adjustments made necessary by difficulties in recruiting and holding qualified employees in State government. The funds may be transferred only when the use of salary reserve funds in individual operating budgets is not feasible.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**COMMUNITY COLLEGES PERSONNEL/SALARY INCREASES**

Sec. 7.15. The Director of the Budget shall transfer from the Reserve for Salary Increases created in Sections 3 and 4 of this act for fiscal year 1994–95 funds to the Department of Community Colleges necessary to provide an average annual salary increase of four percent (4%), including funds for the employer's retirement and social security contributions, commencing July 1, 1994, for all permanent full–time community college institutional personnel supported by State funds. The State Board of Community Colleges shall establish guidelines for providing their salary increases to community college institutional personnel. Salary funds shall be used to provide an average annual salary increase of four percent (4%) to all full–time employees and part–time employees on a pro rata basis.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont, Michaux

**UNIVERSITY OF NORTH CAROLINA SYSTEM – EPA SALARY INCREASES**

Sec. 7.17. (a) The Director of the Budget shall transfer to the Board of Governors of The University of North Carolina sufficient funds from the Reserve for Salary Increases created in this act for fiscal year 1994–95 to provide a salary increase of one percent (1%), including funds for the employer's retirement and social security contributions, commencing July 1, 1994, for all employees of The University of North Carolina, as well as employees of the North Carolina School of Science and Mathematics, supported by State funds and whose salaries are exempt from the State Personnel Act (EPA).

(b) The Director of the Budget shall transfer to the Board of Governors of The University of North Carolina sufficient funds from the Reserve for Salary Increases created in this act for fiscal year 1994–95 to provide an annual average salary increase of three percent (3%), including funds for the employer's retirement and social security contributions, commencing July 1, 1994, for all employees of The University of North Carolina, as well as employees other than teachers of the North Carolina School of Science and Mathematics, supported by State funds and whose salaries are exempt from the State Personnel Act (EPA). These funds shall be allocated to individuals according to the rules adopted by the Board of Governors, or the Board of Trustees of the North Carolina School of Science and Mathematics, as appropriate, and may not be used for any purpose other than for salary increases and necessary employer contributions provided by this section.

(c) The Director of the Budget shall transfer to the Board of Governors of The University of North Carolina sufficient funds from the Reserve for Salary Increases created in this act for fiscal year 1994–95 to provide an annual average salary increase of five percent (5%), including funds for the employer's retirement and social security contributions, commencing July 1, 1994, for all teaching employees of the North Carolina School of Science and Mathematics, supported by State funds and whose salaries are exempt from the State Personnel Act (EPA). These funds shall be allocated to individuals according to the rules adopted by the Board of Trustees of the North Carolina School of Science and Mathematics, and may not be used for any purpose other than for salary increases and necessary employer contributions provided by this section.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont, Barnes

**UNIVERSITY OF NORTH CAROLINA COMPETITIVE FACULTY SALARY LEVELS**

Sec. 7.18. Of the funds appropriated in this act to the Board of Governors of The University of North Carolina for University Institutional Programs, the sum of ten million seven hundred four thousand four hundred thirty–eight dollars ($10,704,438) for the 1994–95 fiscal year shall be allocated by the Board of Governors to improve competitive national peer rankings and to enhance teaching faculty salaries, including those of the Institute of Government. These funds represent approximately two percent (2.00%) of salary funds for those teaching faculty whose salaries are exempt from the State Personnel Act (EPA), including funds for employer retirement and social security contributions, and are in addition to the seven million one hundred thousand dollars ($7,100,000) appropriated in Section 3 of Chapter 321 of the 1993 Session Laws (also see Section 101.1 of that Chapter).

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**MOST STATE EMPLOYEES/SALARY INCREASES/1994–95**

Sec. 7.19. (a) The salaries in effect June 30, 1994, of all permanent full–time State employees whose salaries are set in accordance with the State Personnel Act, and who are paid from the General Fund or the Highway Fund shall be increased, on or after July 1, 1994, unless otherwise provided by this act, by four percent (4%).

(b) Except as otherwise provided in this act, salaries in effect June 30, 1994, for permanent full–time State officials and persons in exempt positions that are recommended by the Governor or the Governor and the Advisory Budget Commission and

set by the General Assembly shall be increased by four percent (4%), commencing July 1, 1994.

(c) The salaries in effect June 30, 1994, for all permanent part–time State employees shall be increased on and after July 1, 1994, by pro rata amounts of the salary increases provided for permanent full–time employees covered under subsection (a) of this section.

(d) The Director of the Budget may allocate out of special operating funds or from other sources of the employing agency, except tax revenues, sufficient funds to allow a salary increase on and after July 1, 1994, in accordance with subsections (a), (b), or (c) of this section, including funds for the employer's retirement and social security contributions, of the permanent full–time and part–time employees of the agency.

(e) Within regular Executive Budget Act procedures as limited by this act, all State agencies and departments may increase on an equitable basis the rate of pay of temporary and permanent hourly State employees, subject to availability of funds in the particular agency or department, by pro rata amounts salary increase provided for permanent full–time employees covered by the provisions of subsection (a) of this section, commencing July 1, 1994.

(f) The provisions of this section shall be applied to employees whose salaries are determined in accordance with G.S. 7A–102 at two percent (2%) rather than four percent (4%), except that employees who would not receive a salary increment for the 1994–95 fiscal year under G.S. 7A–102 because they are at the top of their salary range will be moved to the new top of their salary range, which is increased by four percent (4%). The salary ranges for employees covered by G.S. 7A–102 set out in Section 7.12 of this act reflect this action.

(g) No person may receive a salary increase under G.S. 126–7 during the 1994–95 fiscal year.

Requested by: Representatives Nesbitt, Diamont, Barnes,
Senators Daniel, Plyler

**COMPENSATION BONUS/STATE EMPLOYEES/SCHOOL PERSONNEL**

Sec. 7.20. (a) Any person:

(1) Whose salary is set by or under this Part, other than Sections 7.2, 7.3, 7.5, 7.6, 7.9(a) except the Chief Justice of the North Carolina Supreme Court, 7.10, 7.24, the State Personnel Director or the Director, Office of Administrative Hearings; and

(2) Who was, on July 1, 1994 a permanent officer or permanent employee whose salary is set by or under this Part

shall receive not later than August of 1994 a compensation bonus of one percent (1%), except that the compensation bonus for persons subject to Section 7.15 of this act shall be an average of one percent (1%) per year and shall be allocated in accordance with guidelines adopted by the State Board of Community Colleges, except that the compensation bonus for persons subject to Sections 7.17 of this act shall be an average of one percent (1%) per year and shall be allocated to individuals according to the rules adopted by the Board of Governors, or the Board of Trustees of the North Carolina School of Science and Mathematics, as appropriate, and except that the guidelines and rules may cover employees of those institutions whose first day of employment for the 1994–95 academic year came after July 1, 1994.

(a1) Any person:

(1) Who did not receive a compensation bonus under subsection (a) of this section; and

(2) Who was, during the third payroll period of the 1994–95 school year either a:

a. Permanent public school employee whose salary is set by or under this Part; or

b. Public school bus driver, covered by Section 7.24 of this act

shall receive in the third payroll period of the 1994–95 school year a compensation bonus of one percent (1%) of the annual salary for that position.

(b) The annual salary on which the percentage bonus is based is the annual salary in effect during the pay period in which the bonus is paid.

(c) The Director of the Budget shall transfer from the Reserve for Compensation Bonus provided by this act sufficient funds to implement this section.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**CERTAIN PUBLIC SCHOOL EMPLOYEES' SALARY INCREASE**

Sec. 7.24. (a) Superintendents, Assistant Superintendents, Associate Superintendents, Supervisors, Directors, Coordinators, Evaluators, and Program Administrators. — The Director of the Budget may transfer from the Reserve for Salary Increases created in this act for fiscal year 1994–95 funds necessary to provide a salary increase of four percent (4%), including funds for the employer's retirement and social security contributions, commencing July 1, 1994, for all superintendents, assistant superintendents, associate superintendents, supervisors, directors, coordinators, evaluators, and program administrators whose salaries are supported from the State's General Fund. These funds may not be used for any purpose other than for the salary increase and necessary employer contributions provided by this subsection.

(b) Noncertified Employees. — The Director of the Budget may transfer from the Reserve for Salary Increases created in this act for fiscal year 1994–95 funds necessary to provide a salary increase of four percent (4%), including funds for the employer's retirement and social security contributions, commencing July 1, 1994, for all noncertified public school employees, except school bus drivers, whose salaries are supported from the State's General Fund. These funds may not be used for any purpose other than for the salary increases and necessary employer contributions provided by this subsection.

(c) The fiscal year 1993–94 pay rates adopted by local boards of education for school bus drivers shall be increased by at least four percent (4%) on and after July 1, 1994, to the extent that such rates of pay are supported by the allocation of State funds from the State Board of Education. Local boards of education shall increase the rates of pay for all school bus drivers who were employed during fiscal year 1993–94 and who continue their employment for fiscal year 1994–95 by at least four percent (4%) on and after July 1, 1994. The Director of the Budget may transfer from the salary increase reserve fund created in this act for fiscal year 1994–95 funds necessary to provide the salary increases for school bus drivers whose salaries are supported from the State's General Fund in accordance with the provisions of this subsection.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**ALL STATE-SUPPORTED PERSONNEL/SALARY INCREASES**

Sec. 7.25. (a) Salaries and related benefits for positions that are funded partially from the General Fund or Highway Fund and partially from sources other than the General Fund or Highway Fund shall be increased from the General Fund or Highway Fund appropriation only to the extent of the proportionate part of the salaries paid from the General Fund or Highway Fund.

(b) The granting of the salary increases under this act does not affect the status of eligibility for salary increments for which employees may be eligible unless otherwise required by this act.

(c) The salary increases provided in this Part are to be effective July 1, 1994, do not apply to persons separated from State service due to resignation, dismissal, reduction in force, death, or retirement, whose last workday is prior to July 1, 1994, or to employees involved in final written disciplinary procedures. The employee shall receive the increase on a current basis when the final written disciplinary procedure is resolved.

Payroll checks issued to employees after July 1, 1994, which represent payment of services provided prior to July 1, 1994, shall not be eligible for salary increases provided for in this act. This subsection shall apply to all employees, subject to or exempt from the State Personnel Act, paid from State funds, including public schools, community colleges, and The University of North Carolina.

(d) The Director of the Budget shall transfer from the Reserve for Salary Increases in Sections 3 and 4 of this act for fiscal year 1994–95 all funds necessary for the salary increases provided by this act, including funds for the employer's retirement and social security contributions.

(e) Nothing in this act authorizes the transfer of funds between the General Fund and the Highway Fund for salary increases.

(f) Section 4 of Chapter 591 of the 1993 Session Laws is repealed.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**SALARY-RELATED CONTRIBUTIONS/EMPLOYERS**

Sec. 7.26. (a) Required employer salary-related contributions for employees whose salaries are paid from department, office, institution, or agency receipts shall be paid from the same source as the source of the employees' salary. If an employee's salary is paid in part from the General Fund or Highway Fund and in part from department, office, institution, or agency receipts, required employer salary-related contributions may be paid from the General Fund or Highway Fund only to the extent of the proportionate part paid from the General Fund or Highway Fund in support of the salary of the employee, and the remainder of the employer's requirements shall be paid from the source that supplies the remainder of the employee's salary. The requirements of this section as to source of payment are also applicable to payments on behalf of the employee for hospital-medical benefits, longevity pay, unemployment compensation, accumulated leave, workers' compensation, severance pay, separation allowances, and applicable disability income and disability salary continuation benefits.

(b) Effective July 1, 1994, the State's employer contribution rates budgeted for retirement and related benefits as a percentage of covered salaries for the 1994–95 fiscal year are (i) ten and ninety-six hundredths percent (10.96%) – Teachers and State Employees; (ii) fifteen and ninety-six hundredths percent (15.96%) – State Law

Enforcement Officers; (iii) nine percent (9.00%) – University Employees' Optional Retirement Program; (iv) twenty–two and sixty–five hundredths percent (22.65%) – Consolidated Judicial Retirement System; and (v) thirty–six and seven hundredths percent (36.07%) – Legislative Retirement System. Each of the foregoing contribution rates includes two percent (2%) for hospital and medical benefits. The rate for State Law Enforcement Officers includes five percent (5%) for the Supplemental Retirement Income Plan. The rates for Teachers and State Employees, State Law Enforcement Officers, and for the University Employees' Optional Retirement Program includes forty–two hundredths percent (0.42%) for the Disability Income Plan.

(c) The Board of Trustees of the Teachers' and State Employees' Retirement System shall take no action to freeze the liquidation period until instructed by the General Assembly.

(d) The maximum annual employer contributions, payable monthly, by the State for each covered employee or retiree for the 1994–95 fiscal year to the Teachers' and State Employees' Comprehensive Major Medical Plan are: (i) Medicare–eligible employees and retirees – one thousand three hundred twenty–one dollars ($1,321); and (ii) Non–Medicare–eligible employees and retirees – one thousand seven hundred thirty–six dollars ($1,736).

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**RESTORATION OF THE TWELFTH MONTH TEACHER PAYROLL**

Sec. 7.27. (a) The funds appropriated in this act to the Office of State Budget and Management for a Reserve for Paydate Restoration in the amount of one hundred twenty million dollars ($120,000,000) shall be used to restore the twelfth month of teacher payroll for school teachers paid from the General Fund.

In no event shall any allotments made pursuant to this section exceed the actual General Fund requirements.

(b) G.S. 143–15.3(b) reads as rewritten:

"(b) The Director may not use funds in the Savings Reserve Account unless the use has been approved by an act of the General Assembly. ~~It is the intent of the General Assembly that effective as of the 1994–95 fiscal year the State's liability for the deferral of the twelfth month of teacher payroll shall be eliminated. Funds may be used from the Savings Reserve Account and, to the extent necessary, may be combined with other available funds to eliminate this liability and thus bring the State into conformity with the GAAP.~~"

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**STATE EMPLOYEE SUBSISTENCE ALLOWANCE**

Sec. 7.27A. G.S. 138–6(a)(3) reads as rewritten:

"(3) For expenses incurred for subsistence, payment of ~~fifty–five dollars ($55.00)~~ seventy–one dollars ($71.00) per day when traveling in–state or ~~sixty–seven dollars ($67.00)~~ eighty–three dollars ($83.00) per day when traveling out–of–state. When travel involves less than a full day (24–hour period), a reasonable prorated amount shall be paid in accordance with regulations and criteria which shall be promulgated and published by the Director of the Budget. Reimbursement to State employees for lunches eaten while on official business may be made only in the following circumstances:

a. When an overnight stay is required reimbursement is allowed while an employee is in travel status;
b. When the cost of the lunch is included as part of a registration fee for a formal congress, conference, assembly, or convocation, by whatever name called. Such assembly must involve the active participation of persons other than the employees of a single State department, institution, or agency and must be necessary for conducting official State business; or
c. When the State employee is a member of a State board, commission, committee, or council which operates from funds deposited with the State Treasurer, and the lunch is preplanned as part of the meeting for the entire board, commission, committee, or council."

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

***PER DIEM*/MILEAGE CONFORM TO FEDERAL CHANGES**

Sec. 7.28. Effective upon convening of the 1995 Regular Session of the General Assembly, G.S. 120–3.1(a) reads as rewritten:

"(a) In addition to compensation for their services, members of the General Assembly shall be paid the following allowances:

(1) A weekly travel allowance for each week or fraction thereof that the General Assembly is in regular or extra session. The amount of the weekly travel allowance shall be calculated for each member by multiplying the actual round–trip mileage from that member's home to the City of Raleigh by the rate per mile which is the business standard mileage rate set by the Internal Revenue Service in ~~Rev. Proc. 92–104, December 28, 1992.~~ Rev. Proc. 93–51, December 27, 1993.

(2) A travel allowance at the rate which is the business standard mileage rate set by the Internal Revenue Service in ~~Rev. Proc. 92–104, December 28, 1992,~~ Rev. Proc. 93–51, December 27, 1993, whenever the member travels, whether in or out of session, as a representative of the General Assembly or of its committees or commissions, with the approval of the Legislative Services Commission.

(3) A subsistence allowance for meals and lodging at a daily rate equal to the maximum *per diem* rate for federal employees traveling to Raleigh, North Carolina, as set out at ~~57 Federal Register 6684 (February 27, 1992),~~ 58 Federal Register 67959 (December 22, 1993), while the General Assembly is in session and, except as otherwise provided in this subdivision, while the General Assembly is not in session when, with the approval of the Speaker of the House in the case of Representatives Nesbitt, Diamont or the President *Pro Tempore* of the Senate in case of Senators, the member is:

a. Traveling as a representative of the General Assembly or of its committees or commissions, or
b. Otherwise in the service of the State.

A member who is authorized to travel, whether in or out of session, within the United States outside North Carolina, may elect to receive, in lieu of the amount provided in the preceding paragraph, a subsistence allowance of twenty–six dollars ($26.00) a day for meals, plus actual expenses for lodging when evidenced by a receipt satisfactory to the Legislative

Administrative Officer, the latter not to exceed the maximum *per diem* rate for federal employees traveling to the same place, as set out at ~~57 Federal Register 6678-6687 (February 27, 1992) and at 57 Federal Register 24474-24477 (June 9, 1992).~~ 58 Federal Register 67950–67964 (December 22, 1993) and at 59 Federal Register 23702–23709 (May 6, 1994).

(4) A member may be reimbursed for registration fees as permitted by the Legislative Services Commission."

Requested by: Representatives Nesbitt, Diamont,
Senators Daniel, Plyler

**FLEXIBLE COMPENSATION – MAKE PERMANENT A PROVISION ALLOWING SAVINGS IN EMPLOYER FICA CONTRIBUTIONS TO BE USED TO PAY FOR ADMINISTRATIVE EXPENSES OF FLEXIBLE COMPENSATION PROGRAMS FOR STATE EMPLOYEES AND EMPLOYEES OF EDUCATIONAL INSTITUTIONS SUPPORTED BY THE STATE.**

Sec. 7.28A. Section 14(i) of Chapter 1044 of the 1991 Session Laws, as amended by Section 42 of Chapter 561 of the 1993 Session Laws reads as rewritten:

"(i) Subsections (a) through (d) of this section are effective January 1, 1990. Subsections (e) through (h) of this section are effective January 1, 1991. Subsections (a) through (h) of this section shall expire December 31, ~~1994.~~ 1997."

Requested by: Senators Harris, Daniel, Plyler,
Representatives Hensley, Diamont, and Nesbitt

**INCLUDE EXPENSE ALLOWANCES AS COMPENSATION UNDER THE LEGISLATIVE RETIREMENT SYSTEM**

Sec. 7.29. (a) Effective upon the convening of the 1995 Regular Session of the General Assembly, G.S. 120–4.8(5) reads as rewritten:

"(5) 'Compensation' means salary and expense allowance paid for service as a legislator ~~for service~~ in the North Carolina General Assembly, exclusive of ~~travel, *per diem* and expense allowances.~~ travel and *per diem*."

This subsection applies to expense allowance paid on or after January 1, 1994. Effective August 1, 1994, payroll deductions of compensation, as redefined by this section, shall be made. Payroll deductions for expense allowance to cover the period from January 1, 1994, through July 31, 1994, shall be made prior to December 31, 1994.

(b) This section applies to expense allowances paid on or after January 1, 1994.

Requested by: Senators Harris, Daniel, Plyler, Sherron,
Representatives Diamont, Nesbitt, Lee, Hensley

**CHANGE THE METHOD FOR CALCULATING THE REDUCTION FOR EARLY RETIREMENT IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM; TO INCREASE THE RETIREMENT FORMULA WITH AN ADJUSTING INCREASE TO RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM; TO PROVIDE AN INCREASE TO RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM AND THE JUDICIAL RETIREMENT SYSTEM; TO MAKE CHANGES IN THE LEGISLATIVE RETIREMENT SYSTEM AND TO ALLOW RECIPROCITY BETWEEN THE DISABILITY INCOME PLAN OF**

**NORTH CAROLINA AND THE DEATH BENEFIT PLAN FOR MEMBERS OF THE LEGISLATIVE RETIREMENT SYSTEM AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM; AND TO REMOVE THE EXCLUSION FOR WAR-RELATED DISABILITIES FROM THE DISABILITY INCOME PLAN**

Sec. 7.30. (a) G.S. 128–24(5)a reads as rewritten:

"a. Notwithstanding any other provision of this Chapter, any member who separates from service prior to the attainment of the age of 60 years for any reason other than death or retirement for disability as provided in G.S. 128–27(c), after completing 15 or more years of creditable service, and who leaves his total accumulated contributions in said System shall have the right to retire on a deferred retirement allowance upon attaining the age of 60 years; provided that such member may retire only upon written application to the Board of Trustees setting forth at what time, not less than one day nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; and further provided that in the case of a member who so separates from service on or after July 1, 1967, the aforestated requirement of 15 or more years of creditable service shall be reduced to 12 or more years of creditable service; and further provided that in the case of a member who so separates from service on or after July 1, 1971, or whose account is active on July 1, 1971, the aforestated requirement of 12 or more years of creditable service shall be reduced to five or more years of creditable service. ~~Such deferred retirement allowance shall be computed in accordance with the provisions of G.S. 128–27(b1), provided that such benefits will be computed in accordance with subsection (b2) on or after July 1, 1967, but prior to July 1, 1969; and provided further that such benefits will be computed in accordance with subsection (b3) on or after July 1, 1969.~~ Such deferred retirement allowance shall be computed in accordance with the service retirement provisions of this Article pertaining to a member who is not a law enforcement officer or eligible former law enforcement officer."

(b) G.S. 128–27 is amended by adding a new subsection to read:

"(a1) Early Service Retirement Benefits. — Any member may retire and receive a reduced retirement allowance upon written application to the Board of Trustees setting forth at what time, as of the first day of a calendar month, not less than one day nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired: Provided, that the said member at the time so specified for his retirement shall have attained the age of 50 years and have at least 20 years of creditable service."

(c) G.S. 128–27(b13) reads as rewritten:

"(b13) Service Retirement Allowance of Members Retiring on or after July 1, ~~1992.~~ 1992, but before July 1, 1994. — Upon retirement from service in accordance with subsection (a) above, on or after July 1, 1992, but before July 1, 1994, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable

service, the allowance shall be equal to one and seventy hundredths percent (1.70%) of his average final compensation, multiplied by the number of years of his creditable service.

b. This allowance shall also be governed by the provisions of G.S. 128–27(b8)(2).

(2) A member who is not a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 65th birthday upon the completion of five years of creditable service or after the completion of 30 years of creditable service or on or after his 60th birthday upon the completion of 25 years of creditable service, the allowance shall be equal to one and seventy hundredths percent (1.70%) of his average final compensation, multiplied by the number of years of creditable service.

b. This allowance shall also be governed by the provisions of G.S. 128–27(b7)(2a), (2b), and (3)."

(d) G.S. 128–27 is amended by adding a new subsection to read:

"(b14) Service Retirement Allowance of Members Retiring on or after July 1, 1994. — Upon retirement from service in accordance with subsection (a) or (a1) above, on or after July 1, 1994, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and seventy–one hundredths percent (1.71%) of his average final compensation, multiplied by the number of years of his creditable service.

b. This allowance shall also be governed by the provisions of G.S. 128–27(b8)(2).

(2) A member who is not a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 65th birthday upon the completion of five years of creditable service or after the completion of 30 years of creditable service or on or after his 60th birthday upon the completion of 25 years of creditable service, the allowance shall be equal to one and seventy–one hundredths percent (1.71%) of his average final compensation, multiplied by the number of years of creditable service.

b. This allowance shall also be governed by the provisions of G.S. 128–27(b7)(2a), (2b), and (3)."

(e) G.S. 135–3(8)a reads as rewritten:

"a. Notwithstanding any other provision of this Chapter, any member who separates from service prior to the attainment of the age of 60 years for any reason other than death or retirement for disability as provided

in G.S. 135–5(c), after completing 15 or more years of creditable service, and who leaves his total accumulated contributions in said System shall have the right to retire on a deferred retirement allowance upon attaining the age of 60 years; provided that such member may retire only upon written application to the Board of Trustees setting forth at what time, not less than one day nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; and further provided that in the case of a member who so separates from service on or after July 1, 1967, or whose account is active on July 1, 1967, or has not withdrawn his contributions, the aforestated requirement of 15 or more years of creditable service shall be reduced to 12 or more years of creditable service; and further provided that in the case of a member who so separates from service on or after July 1, 1971, or whose account is active on July 1, 1971, the aforestated requirement of 12 or more years of creditable service shall be reduced to five or more years of creditable service. ~~Such deferred retirement allowance shall be computed in accordance with the provisions of G.S. 135–5(b1); provided that such benefits will be computed in accordance with (b2) on or after July 1, 1967, but prior to July 1, 1969; and provided further that such benefits will be computed in accordance with (b3) on or after July 1, 1969.~~ Such deferred retirement allowance shall be computed in accordance with the service retirement provisions of this Article pertaining to a member who is not a law enforcement officer or an eligible former law enforcement officer. Notwithstanding the foregoing, any member whose services as a teacher or employee are terminated for any reason other than retirement, who becomes employed by a nonprofit, nonsectarian private school in North Carolina below the college level within one year after such teacher or employee has ceased to be a teacher or employee, may elect to leave his total accumulated contributions in the Teachers' and State Employees' Retirement System during the period he is in the employment of such employer; provided that he files notice thereof in writing with the Board of Trustees of the Retirement System within five years after separation from service as a public school teacher or State employee; such member shall be deemed to have met the requirements of the above provisions of this subdivision upon attainment of age 60 while in such employment provided that he is otherwise vested."

(f) G.S. 135–3(8) is amended by adding a new subdivision to read:

"b3. Vested deferred retirement allowance of members retiring on or after July 1, 1994. — In lieu of the benefits provided in paragraphs a. and b. of this subdivision, any member who separates from service prior to attainment of age 60 years, after completing 20 or more years of creditable service, and who leaves his total accumulated contributions in said System, may elect to retire on a deferred retirement allowance upon attaining the age of 50 years or any time thereafter; provided that such member may so retire only upon written application to the Board of Trustees setting forth at what time, not less than one day nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired. Such deferred retirement allowance shall be

computed in accordance with the service retirement provisions of this Article pertaining to a member who is not a law enforcement officer or an eligible former law enforcement officer."

(g) G.S. 135–5 is amended by adding a new subsection to read:

"(a1) Early Service Retirement Benefits. — Any member may retire and receive a reduced retirement allowance upon written application to the Board of Trustees setting forth at what time, as of the first day of a calendar month, not less than one day nor more than 90 days subsequent to the execution of and filing therof, he desires to be retired: Provided, that the said member at the time so specified for his retirement shall have attained the age of 50 years and have at least 20 years of creditable service."

(h) G.S. 135–5(b14) reads as rewritten:

"(b14) Service Retirement Allowance of Members Retiring on or after July 1, ~~1993~~, 1993, but before July 1, 1994. — Upon retirement from service in accordance with subsection (a) above, on or after July 1, 1993, but before July 1, 1994, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and seventy–one hundredths percent (1.71%) of his average final compensation, multiplied by the number of years of his creditable service.

b. If the member's service retirement date occurs after his 50th and before his 55th birthday with 15 or more years of creditable service as a law enforcement officer and prior to the completion of 30 years of creditable service, the allowance shall be computed as in G.S. 135–5(b14)(1)a., but shall be reduced by one–third of one percent (1/3 of 1%) thereof for each month by which the retirement date precedes the first day of the month coincident with or next following his 55th birthday.

(2) A member who is not a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 65th birthday upon the completion of five years of creditable service or after the completion of 30 years of creditable service or on or after his 60th birthday upon the completion of 25 years of creditable service, the allowance shall be equal to one and seventy–one hundredths percent (1.71%) of his average final compensation, multiplied by the number of years of creditable service.

b. If the member's service retirement date occurs after his 60th birthday and before his 65th birthday and prior to the completion of 25 years or more of creditable service, the retirement allowance shall be computed as in G.S. 135–5(b14)(2)a. but shall be reduced by one–quarter of one percent (1/4 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his 65th birthday.

c. If the member's service retirement date occurs before his 60th birthday and prior to the completion of 30 or more years of creditable service, the service retirement allowance shall be the actuarial equivalent of the allowance payable at the age of 60 years as computed in G.S. 135(b14)(2)b [G.S. 135–5(b14)(2)b.].

d. Notwithstanding the foregoing provisions, any member whose creditable service commenced prior to July 1, 1963, shall receive not less than the benefit provided by G.S G.S. 135–5(b)."

(i) G.S. 135–5 is amended by adding a new subsection to read:

"(b15) Service Retirement Allowance of Members Retiring on or after July 1, 1994. — Upon retirement from service in accordance with subsection (a) or (a1) above, on or after July 1, 1994, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and seventy–three hundredths percent (1.73%) of his average final compensation, multiplied by the number of years of his creditable service.

b. If the member's service retirement date occurs on or after his 50th birthday and before his 55th birthday with 15 or more years of creditable service as a law enforcement officer and prior to the completion of 30 years of creditable service, his retirement allowance shall be equal to the greater of:

1. The service retirement allowance payable under G.S. 135–5(b15)(1)a. reduced by one–third of one percent (1/3 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following the month the member would have attained his 55th birthday; or

2. The service retirement allowance as computed under G.S. 135–5(b15)(1)a. reduced by five percent (5%) times the difference between 30 years and his creditable service at retirement.

(2) A member who is not a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 65th birthday upon the completion of five years of creditable service or after the completion of 30 years of creditable service or on or after his 60th birthday upon the completion of 25 years of creditable service, the allowance shall be equal to one and seventy–three hundredths percent (1.73%) of his average final compensation, multiplied by the number of years of creditable service.

b. If the member's service retirement date occurs after his 60th and before his 65th birthday and prior to his completion of 25 years or more of creditable service, his retirement allowance shall be computed as in G.S. 135–5(b15)(2)a. but shall be reduced by one–quarter of one

percent (1/4 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his 65th birthday.

c. If the member's early service retirement date occurs on or after his 50th birthday and before his 60th birthday and after completion of 20 years of creditable service but prior to the completion of 30 years of creditable service, his early service retirement allowance shall be equal to the greater of:

1. The service retirement allowance as computed under G.S. 135–5(b15)(2)a. but reduced by the sum of five–twelfths of one percent (5/12 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following the month the member would have attained his 60th birthday, plus one–quarter of one percent (1/4 of 1%) thereof for each month by which his 60th birthday precedes the first day of the month coincident with or next following his 65th birthday; or

2. The service retirement allowance as computed under G.S. 135–5(b15)(2)a. reduced by five percent (5%) times the difference between 30 years and his creditable service at retirement; or

3. If the member's creditable service commenced prior to July 1, 1994, the service retirement allowance provided by G.S. 135–5(b14)(2)c.

d. Notwithstanding the foregoing provisions, any member whose creditable service commenced prior to July 1, 1963, shall not receive less than the benefit provided by G.S. 135–5(b)."

(j) G.S. 135–5(m) reads as rewritten:

"(m) Survivor's Alternate Benefit. — Upon the death of a member in service, the principal beneficiary designated to receive a return of accumulated contributions shall have the right to elect to receive in lieu thereof the reduced retirement allowance provided by Option 2 of subsection (g) above computed by assuming that the member had retired on the first day of the month following the date of his death, provided that all three of the following conditions apply:

~~(1) The member had attained such age and/or creditable service to be eligible to commence retirement with an early or service retirement allowance or had attained 20 years of creditable service.~~

(1) a. The member had attained such age and/or creditable service to be eligible to commence retirement with an early or service retirement allowance, or

b. The member had obtained 20 years of creditable service in which case the retirement allowance shall be computed in accordance with G.S. 135–5(b15)(1)b. or G.S. 135–5(b15)(2)c., notwithstanding the requirement of obtaining age 50.

(2) The member had designated as the principal beneficiary to receive a return of his accumulated contributions one and only one person who was living at the time of his death.

(3) The member had not instructed the Board of Trustees in writing that he did not wish the provisions of this subsection to apply.

For the purpose of this benefit, a member is considered to be in service at the date of his death if his death occurs within 180 days from the last day of his actual service. The last day of actual service shall be determined as provided in subsection (l) of this section. Upon the death of a member in service, the surviving spouse may make all purchases for creditable service as provided for under this Chapter for which the member had made application in writing prior to the date of death, provided that the date of death occurred prior to or within 60 days after notification of the cost to make the purchase. The term 'in service' as used in this subsection includes a member in receipt of a benefit under the Disability Income Plan as provided in Article 6 of this Chapter."

(k) G.S. 120–4.22A is amended by adding a new subsection to read:

"(i) In accordance with subsection (a) of this section, from and after July 1, 1994, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before January 1, 1994, shall be increased by three and one–half percent (3.5%) of the allowance payable on January 1, 1994. Furthermore, from and after July 1, 1994, the retirement allowance to or on account of beneficiaries whose retirement commenced after January 1, 1994, but before June 30, 1994, shall be increased by a prorated amount of three and one–half percent (3.5%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between January 1, 1994, and June 30, 1994."

(l) G.S. 128–27 is amended by adding two new subsections to read:

"(mm) Increase in Allowance as to Persons on Retirement Rolls as of June 1, 1994. — From and after July 1, 1994, the retirement allowance to or on account of beneficiaries on the retirement rolls as of June 1, 1994, shall be increased by six–tenths of one percent (.6%) of the allowance payable on June 1, 1994. This allowance shall be calculated on the allowance payable and in effect on June 30, 1994, so as not to be compounded on any other increase payable under subsection (k) of this section or otherwise granted by act of the 1993 General Assembly in 1994.

(nn) From and after July 1, 1994, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1993, shall be increased by two and eight–tenths percent (2.8%) of the allowance payable on July 1, 1993, in accordance with G.S. 128–27(k). Furthermore, from and after July 1, 1994, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1993, but before June 30, 1994, shall be increased by a prorated amount of two and eight–tenths percent (2.8%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1993, and June 30, 1994."

(m) G.S. 135–5 is amended by adding two new subsections to read:

"(xx) Increase in Allowance as to Persons on Retirement Rolls as of June 1, 1994. — From and after July 1, 1994, the retirement allowance to or on account of beneficiaries on the retirement rolls as of June 1, 1994, shall be increased by one and two–tenths of one percent (1.2%) of the allowance payable on June 1, 1994. This allowance shall be calculated on the allowance payable and in effect on June 30, 1994, so as not to be compounded on any other increase granted by act of the 1993 General Assembly, 1994 Regular Session.

(yy) From and after July 1, 1994, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1993, shall be increased by three and one–half percent (3.5%) of the allowance payable on July 1, 1993, in accordance with G.S. 135–5(o). Furthermore, from and after July 1, 1994, the retirement allowance to or on account of beneficiaries whose retirement commenced

after July 1, 1993, but before June 30, 1994, shall be increased by a prorated amount of three and one-half percent (3.5%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1993, and June 30, 1994."

(n) G.S. 135-65 is amended by adding a new subsection to read:

"(o) From and after July 1, 1994, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1993, shall be increased by three and one-half percent (3.5%) of the allowance payable on July 1, 1993. Furthermore, from and after July 1, 1994, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1993, but before June 30, 1994, shall be increased by a prorated amount of three and one-half percent (3.5%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1993, and June 30, 1994."

(o) Effective January 1, 1995, through December 31, 1996, any current member or former member of the General Assembly may purchase any legislative service for which the member does not have credit in the Legislative Retirement System by paying an amount equal to seven percent (7%) of the compensation on the last date of eligibility as provided for in G.S. 120-4.16, plus interest compounded annually equal to the average yield on the pension accumulation fund since that date.

(p) Effective February 1, 1995, G.S 120-4.21 reads as rewritten:

**"§ 120-4.21. Service retirement benefits.**

(a) Eligibility; Application. — Any member ~~in service~~ may retire with full benefits who has reached 65 years of age with five years of creditable service. Any member ~~in service~~ may retire with reduced benefits who has reached the age of 50 years with 20 years of creditable service or 60 years with five years of creditable service. The member shall make written application to the Board of Trustees to retire on a service retirement allowance on the first day of the particular calendar month he designates. The designated date shall be no less than one day nor more than 90 days from the filing of the application. During this period of notification, a member may separate from service without forfeiting his retirement benefits.

(b) Computation. — Upon retirement from service in accordance with subsection (a) of this section before July 1, 1990, a member shall receive a service retirement allowance computed as follows:

(1) For a member whose retirement date occurs on or after his 65th birthday and upon completion of five years of creditable service, four percent (4%) of his 'highest annual salary,' multiplied by the number of years of creditable service.

(2) For a member whose retirement date occurs on or after his 60th and before his 65th birthday and upon completion of five years of creditable service, computation as in subdivision (1) of this subsection, reduced by one-fourth of one percent (1/4 of 1%) for each month his retirement date precedes his 65th birthday.

(b1) Computation. — Upon retirement from service in accordance with subsection (a) of this section on or after July 1, 1990, but before February 1, 1995, a member shall receive a service retirement allowance computed as follows:

(1) For a member whose retirement date occurs on or after his 65th birthday and upon completion of five years of creditable service, four and

two–hundredths percent (4.02%) of his 'highest annual salary,' multiplied by the number of years of creditable service.

(2) For a member whose retirement date occurs on or after his 60th and before his 65th birthday and upon completion of five years of creditable service, computation as in subdivision (1) of this subsection, reduced by one–fourth of one percent (1/4 of 1%) for each month his retirement date precedes his 65th birthday.

(b2) Computation. — Upon retirement from service in accordance with subsection (a) of this section on or after February 1, 1995, a member shall receive a service retirement allowance computed as follows:

(1) For a member whose retirement date occurs on or after his 65th birthday and upon completion of five years of creditable service, four and two–hundredths percent (4.02%) of his 'highest annual salary', multiplied by the number of years of creditable service.

(2) For a member whose retirement date occurs on or after his 60th and before his 65th birthday and upon completion of five years of creditable service, computation as in subdivision (1) of this subsection, reduced by one–fourth of one percent (1/4 of 1%) for each month his retirement date precedes his 65th birthday.

(3) For a member whose retirement date occurs on or after his 50th birthday and before his 60th birthday and upon completion of 20 years of creditable service, computation as in subdivision (2) of this subsection, reduced by the same percentage as provided for in Article 1 of Chapter 135 of the General Statutes.

(c) Limitations. — In no event shall any member receive a service retirement allowance greater than seventy–five percent (75%) of his 'highest annual salary' nor shall he receive any service retirement allowance whatever while employed in a position that makes him a contributing member of any of the following retirement systems: The Teachers' and State Employees' Retirement System, the North Carolina Local Governmental Employees' Retirement System, ~~the Law Enforcement Officers' Retirement System, the Uniform Judicial Retirement System of North Carolina, the Uniform Solicitorial Retirement System of North Carolina or the Uniform Clerks of Courts Retirement System.~~ or the Consolidated Judicial Retirement System. If he should become a member of any of these systems, payment of his service retirement allowance shall be suspended until he withdraws from membership in that system."

(q) Effective July 1, 1994, Article 6 of Chapter 135 of the General Statutes is amended by adding a new section to read:

"**§ 135–114. Reciprocity of membership service with the Legislative Retirement System and the Consolidated Judicial Retirement System.**

Only for the purpose of determining eligibility for benefits accruing under this Article, membership service standing to the credit of a member of the Legislative Retirement System or the Consolidated Judicial Retirement System shall be added to the membership service standing to the credit of a member of the Teachers' and State Employees' Retirement System. However, in the event that a participant or beneficiary is a retired member of the Legislative Retirement System or the Consolidated Judicial Retirement System whose retirement benefit was suspended upon entrance into membership in the Teachers' and State Employees' Retirement System, such membership service standing to the credit of the retired member prior to retirement shall be

likewise counted. Membership service under this section shall not be counted twice for the same period of time."

(r) Effective July 1, 1994, G.S. 135–5 is amended by adding a new subsection to read:

"(l1) Reciprocity of Death Benefit Plan. — Only for the purpose of determining eligibility for the death benefit provided for in subsection (l) of this section, membership service standing to the credit of a member of the Legislative Retirement System or the Consolidated Judicial Retirement System shall be added to the membership service standing to the credit of a member of the Teachers' and State Employees' Retirement System. However, in the event that a participant or beneficiary is a retired member of the Legislative Retirement System or the Consolidated Judicial Retirement System whose retirement benefit was suspended upon entrance into membership in the Teachers' and State Employees' Retirement System, such membership service standing to the credit of the retired member prior to retirement shall be likewise counted. Membership service under this section shall not be counted twice for the same period of time. In no event shall a death benefit provided for in G.S. 135–5(l) be paid if a death benefit is paid under G.S. 135–63."

(s) G.S. 135–101(6) reads as rewritten:

"(6) 'Disability' or 'Disabled' shall mean the mental or physical incapacity for the further performance of duty of a participant or beneficiary; provided that such incapacity was not the result of ~~war, whether declared or not, armed or unarmed military or paramilitary conflict,~~ terrorist activity, active participation in a riot, committing or attempting to commit a felony, or intentionally self–inflicted injury."

(t) G.S. 135–105(c) reads as rewritten:

"(c) The monthly benefit as provided in subsection (a) of this section shall be equal to fifty percent (50%) of 1/12th of the annual base rate of compensation last payable to the participant prior to the beginning of the short–term benefit period as may be adjusted for percentage increases as provided under G.S. 135–108 plus fifty percent (50%) of 1/12th of the annual longevity payment to which the participant would be eligible, to a maximum of three thousand dollars ($3,000) per month reduced by monthly payments for Workers' Compensation to which the participant may be entitled. The monthly benefit shall be further reduced by the amount of any payments from the federal Veterans Administration, any other federal agency, or any payments made under the provisions of G.S. 127A–108, to which the participant or beneficiary may be entitled on account of the same disability. Provided, that should a participant have earnings in an amount greater than the short–term benefit, the amount of the short–term benefit shall be reduced on a dollar–for–dollar basis by the amount that exceeds the short–term benefit."

(u) G.S. 135–106(b) reads as rewritten:

"(b) After the commencement of benefits under this section, the benefits payable under the terms of this section shall be equal to sixty–five percent (65%) of 1/12th of the annual base rate of compensation last payable to the participant or beneficiary prior to the beginning of the short–term disability period as may be adjusted for percentage increases as provided under G.S. 135–108, plus sixty–five percent (65%) of 1/12th of the annual longevity payment to which the participant or beneficiary would be eligible, to a maximum of three thousand nine hundred dollars ($3,900) per month reduced by any primary Social Security disability benefits and by monthly payments for Workers' Compensation to which the participant or beneficiary may be ~~entitled, but the benefits~~

~~payable shall be no less than ten dollars ($10.00) a month.~~ entitled. The monthly benefit shall be further reduced by the amount of any monthly payments from the federal Veterans Administration, any other federal agency or any payments made under the provisions of G.S.127A–108, to which the participant or beneficiary may be entitled on account of the same disability. Provided, in any event, the benefit payable shall be no less than ten dollars ($10.00) a month. However, a disabled participant may elect to receive any salary continuation as provided in G.S. 135–104 in lieu of long–term disability benefits; provided such election shall not extend the first 36 consecutive calendar months of the long–term disability period. An election to receive any salary continuation for any part of any given day shall be in lieu of any long–term benefit payable for that day, provided further, any lump–sum payout for vacation leave shall be treated as if the beneficiary or participant had exhausted the leave and shall be in lieu of any long–term benefit otherwise payable. Notwithstanding the foregoing, upon the completion of four years from the conclusion of the waiting period as provided in G.S. 135–104, the beneficiary's benefit shall be reduced by an amount, as determined by the Board of Trustees, equal to a primary Social Security disability benefit to which the beneficiary might be entitled had the beneficiary been awarded Social Security disability benefits. Provided that, in any event, a beneficiary's benefit shall be reduced by an amount, as determined by the Board of Trustees, equal to a primary Social Security retirement benefit to which the beneficiary might be entitled.

Notwithstanding the foregoing, the long–term disability benefit is payable so long as the beneficiary is disabled until the earliest date at which the beneficiary is eligible for an unreduced service retirement allowance from the Retirement System, at which time the beneficiary would receive a retirement allowance calculated on the basis of the beneficiary's average final compensation at the time of disability as adjusted to reflect compensation increases subsequent to the time of disability and the creditable service accumulated by the beneficiary, including creditable service while in receipt of benefits under the Plan."

(v) Subsections (s) through (u) of this section are effective January 1, 1988, provided, however, that in applying the provisions of G.S. 135–101, 135–105, and 135–106, as amended by this section to any person who was denied disability benefits, such person shall have 180 days after ratification of this act in which to make a timely application for such benefits.

(w) Except as otherwise provided, this section becomes effective July 1, 1994.

Requested by: Senators Sherron, Carpenter, Daniel, Plyler,
Representatives Nesbitt, Diamont

**MODIFY THE BENEFIT RESTRICTIONS FOR REEMPLOYED RETIREES IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, AND IN THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM**

Sec. 7.31. (a) G.S. 128–24(5)c. reads as rewritten:

"c. Should a beneficiary who retired on an early or service retirement allowance be ~~reemployed~~ reemployed, or otherwise engaged to perform services, by an employer participating in the Retirement System on a ~~permanent full–time,~~ part–time, temporary, interim, or on fee–for–service basis, whether contractual or otherwise, ~~the retirement allowance shall be suspended if the beneficiary receives or earns any of the following:~~

~~1. Salary or fees or both in excess of one thousand five hundred dollars ($1,500) per month;~~

~~2. Salary or fees or both in excess of thirteen thousand five hundred dollars ($13,500) during any consecutive 12 calendar months;~~

~~3. Salary or fees or both during any consecutive 12 calendar months, which is greater than fifty percent (50%) of the reported compensation during the 12 months of service preceding the effective date of retirement; or~~

~~4. Salary or fees or both during any month, which when added to the retirement allowance at retirement exceeds the monthly compensation earned immediately prior to retirement, if reemployed by the same employer within 90 days of the effective date of retirement.~~

~~The suspension of the retirement allowance shall be effective as of the first day of the month in which the beneficiary meets the conditions set forth in conditions 1 or 4 of this paragraph and effective as of the first day of the next succeeding month following the month in which the beneficiary meets the conditions set forth in conditions 2 or 3 of this paragraph. The retirement allowance shall be reinstated the month following termination of reemployment or the month following the month in which the conditions set forth in this paragraph are no longer met. The Board of Trustees may adjust the monetary limits in this paragraph by an amount equivalent to any across-the-board salary increase granted to employees of the State by the General Assembly. Each employer shall report information monthly to the Board of Trustees on forms provided by the Board on each reemployed beneficiary sufficient for the effective enforcement of this paragraph. Notwithstanding the foregoing, any beneficiary may irrevocably elect to recommence membership in the Retirement System immediately upon being restored to service, whereupon the retirement allowance shall cease.~~ and if such beneficiary earns an amount in any calendar year which exceeds fifty percent (50%) of the reported compensation, excluding terminal payments, during the 12 months of service preceding the effective date of retirement, or twenty thousand dollars ($20,000), whichever is greater, as hereinafter indexed, then the retirement allowance shall be suspended as of the first day of the month following the month in which the reemployment earnings exceed the amount above, for the balance of the calendar year. The retirement allowance of the beneficiary shall be reinstated as of January 1 of each year following suspension. The amount that may be earned before suspension shall be increased on January 1 of each year by the ratio of the Consumer Price Index to the Index one year earlier, calculated to the nearest tenth of a percent (1/10 of 1%)."

(b) G.S. 128–24(5)d. reads as rewritten:

"d. Should a ~~A~~ beneficiary who retired on an early or service retirement allowance be ~~whose retirement allowance is suspended in accordance with the provisions of paragraph c and who is~~ restored to service as an employee, then the retirement allowance shall cease as of the first day of the month following the month in which the beneficiary is restored to service and the beneficiary shall become a member of the Retirement System and shall contribute thereafter as allowed by law at the uniform contribution payable by all members.

Upon his subsequent retirement, he shall be paid a retirement allowance determined as follows:

1. For a member who earns at least three years' membership service after restoration to service, the retirement allowance shall be computed on the basis of his compensation and service before and after the period of prior retirement without restriction; provided, that if the prior allowance was based on a social security leveling payment option, the allowance shall be adjusted actuarially for the difference between the amount received under the optional payment and what would have been paid if the retirement allowance had been paid without optional modification.
2. For a member who does not earn three years' membership service after restoration to service, the retirement allowance shall be equal to the sum of the retirement allowance to which he would have been entitled had he not been restored to service, without modification of the election of an optional allowance previously made, and the retirement allowance that results from service earned since being restored to service; provided, that if the prior retirement allowance was based on a social security leveling payment option, the prior allowance shall be adjusted actuarially for the difference between the amount that would have been paid for each month had the payment not been suspended and what would have been paid if the retirement allowance had been paid without optional modification."

(c) G.S. 135–1(10) reads as rewritten:

"(10) 'Employee' shall mean all full–time employees, agents or officers of the State of North Carolina or any of its departments, bureaus and institutions other than educational, whether such employees are elected, appointed or employed: Provided that the term 'employee' shall not include any person who is a member of the ~~Uniform~~ Consolidated Judicial Retirement System, any member of the General Assembly or any part–time or temporary employee. Notwithstanding any other provision of law, 'employee' shall include all employees of the General Assembly except participants in the Legislative Intern ~~Program and pages.~~ Program, pages, and reemployed beneficiaries in receipt of a monthly retirement allowance under this Chapter. In all cases of doubt, the Board of Trustees shall determine whether any person is an employee as defined in this Chapter. 'Employee' shall also mean every full–time civilian employee of the army national guard and air national guard of this State who is employed pursuant to section 709 of Title 32 of the United States Code and paid from federal appropriated funds, but held by the federal authorities not to be a federal employee: Provided, however, that the authority or agency paying the salaries of such employees shall deduct or cause to be deducted from each employee's salary the employee's contribution in accordance with applicable provisions of G.S. 135–8 and remit the same, either directly or indirectly, to the Retirement System; coverage of employees described in this sentence shall commence upon the first day of the calendar year or fiscal year, whichever is earlier, next following the date of execution of an agreement between the Secretary of Defense of the United States and the Adjutant General of the State acting for the Governor in behalf of the State, but no credit shall be allowed pursuant to this sentence for any service previously rendered in the above–described capacity as a civilian employee of the national guard: Provided,

further, that the Adjutant General, in his discretion, may terminate the Retirement System coverage of the above–described national guard employees if a federal retirement system is established for such employees and the Adjutant General elects to secure coverage of such employees under such federal retirement system. Any full–time civilian employee of the national guard described above who is now or hereafter may become a member of the Retirement System may secure Retirement System credit for such service as a national guard civilian employee for the period preceding the time when such employees became eligible for Retirement System coverage by paying to the Retirement System an amount equal to that which would have constituted employee contributions if he had been a member during the years of ineligibility, plus interest. Employees of State agencies, departments, institutions, boards, and commissions who are employed in permanent job positions on a recurring basis and who work 30 or more hours per week for nine or more months per calendar year are covered by the provisions of this subdivision."

(d) G.S. 135–3(8)c. reads as rewritten:

"c. Should a beneficiary who retired on an early or service retirement allowance under this Chapter be reemployed, or otherwise engaged to perform services, ~~be reemployed~~ by an employer participating in the Retirement System on a ~~permanent full–time,~~ part–time, temporary, interim, or on fee–for–service basis, whether contractual or otherwise, ~~the retirement allowance shall be suspended if the beneficiary receives or earns any of the following:~~

~~1. Salary or fees or both in excess of one thousand five hundred dollars ($1,500) per month;~~

~~2. Salary or fees or both in excess of thirteen thousand five hundred ($13,500) during any consecutive 12 calendar months;~~

~~3. Salary or fees or both during any consecutive 12 calendar months, which is greater than fifty percent (50%) of the reported compensation during the 12 months of service preceding the effective date of retirement; or~~

~~4. Salary or fees or both during any month, which when added to the retirement allowance at retirement exceeds the monthly compensation earned immediately prior to retirement, if reemployed by the same employer within 90 days of the effective date of retirement.~~

~~The suspension of the retirement allowance shall be effective as of the first day of the month in which the beneficiary meets the conditions set forth in conditions 1 or 4 of this paragraph and effective as of the first day of the next succeeding month following the month in which the beneficiary meets the conditions set forth in conditions 2 or 3 of this paragraph. The retirement allowance shall be reinstated the month following termination of reemployment or the month following the month in which the conditions set forth in this paragraph are no longer met. The Board of Trustees may adjust the monetary limits in this paragraph by an amount equivalent to any across the board salary increase granted to employees of the State by the General Assembly. Each employer shall report information monthly to the Board of~~

~~Trustees on forms provided by the Board on each reemployed beneficiary sufficient for the effective enforcement of this paragraph. Notwithstanding the foregoing, any beneficiary may irrevocable elect to recommence membership in the Retirement System immediately upon being restored to service, whereupon the retirement allowance shall cease.~~ and if such beneficiary earns an amount in any calendar year which exceeds fifty percent (50%) of the reported compensation, excluding terminal payments, during the 12 months of service preceding the effective date of retirement, or twenty thousand dollars ($20,000), whichever is greater, as hereinafter indexed, then the retirement allowance shall be suspended as of the first day of the month following the month in which the reemployment earnings exceed the amount above, for the balance of the calendar year. The retirement allowance of the beneficiary shall be reinstated as of January 1 of each year following suspension. The amount that may be earned before suspension shall be increased on January 1 of each year by the ratio of the Consumer Price Index to the Index one year earlier, calculated to the nearest tenth of a percent (1/10 of 1%)."

(e) G.S. 135–3(8)d. reads as rewritten:

"d. Should a ~~A~~ beneficiary who retired on an early or service retirement allowance under this Chapter be ~~whose retirement allowance is suspended in accordance with the provisions of paragraph c and who is~~ restored to service as an employee or teacher, then the retirement allowance shall cease as of the first of the month following the month in which the beneficiary is restored to service and the beneficiary shall become a member of the Retirement System and shall contribute thereafter as allowed by law at the uniform contribution payable by all members.

Upon his subsequent retirement, he shall be paid a retirement allowance determined as follows:

1. For a member who earns at least three years' membership service after restoration to service, the retirement allowance shall be computed on the basis of his compensation and service before and after the period of prior retirement without restrictions; provided, that if the prior allowance was based on a social security leveling payment option, the allowance shall be adjusted actuarially for the difference between the amount received under the optional payment and what would have been paid if the retirement allowance had been paid without optional modification.
2. For a member who does not earn three years' membership service after restoration to service, the retirement allowance shall be equal to the sum of the retirement allowance to which he would have been entitled had he not been restored to service, without modification of the election of an optional allowance previously made, and the retirement allowance that results from service earned since being restored to service; provided, that if the prior retirement allowance was based on a social security leveling payment option, the prior allowance shall be adjusted actuarially for the difference between the amount that would have been paid for each month had the payment not been suspended and what would have been

paid if the retirement allowance had been paid without optional modification.

e. Any beneficiary who retired on an early or service retirement allowance as an employee of any State department, agency or institution under the Law Enforcement Officers' Retirement System and becomes employed as an employee by a State department, agency, or institution as an employer participating in the Retirement System shall become subject to the provisions of G.S. 135–3(8)c and G.S. 135–3(8)d on and after January 1, 1989."

(f) This section becomes effective January 1, 1995.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler

**ENHANCED EMPLOYEE HEALTH PACKAGE RECOMMENDATIONS**

Sec. 7.32. The Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan shall recommend to the 1995 General Assembly no later than March 1, 1995 an enhanced benefit package, which shall include a wellness component.

**PART 8. OFFICE OF STATE BUDGET AND MANAGEMENT**

Requested by: Senator Martin of Pitt, Representative Bowman

**RESERVE FOR IMPLEMENTATION OF FEDERAL OSHA REGULATIONS REGARDING BLOODBORNE PATHOGENS/USE OF FUNDS; LONG–RANGE PLAN**

Sec. 8. Funds appropriated in this act to the Office of State Budget and Management for the implementation of the federal OSHA regulations regarding bloodborne pathogens shall be used only to support the cost of testing, inoculations, personal protective equipment, and required cleanup equipment and supplies for employees who are subject to these regulations and only if adequate funds are not available for these purposes. They shall not be used as planning money or for salaries for any new positions or for any other purpose than specifically authorized by this section.

**BUDGET REFORM STATEMENTS/APPROPRIATIONS ADJUSTMENTS**

Sec. 8.1. The General Fund and availability used in developing the 1993–95 budget is as shown below:

| | 1993–94 | 1994–95 | |
|---|---|---|---|
| | | Recurring | Nonrecurring |
| AVAILABILITY: | | | |
| Estimated Remaining Balance from 1993–94 | $ – | $ – | $593.9 |
| Unappropriated Balance from the 1993 Session | 4.7 | 209.6 | – |
| Revenue Forecast Increase | 329.3 | 329.3 | – |
| Additional Increases: | | | |
| Insurance Fund | – | 1.1 | – |
| Non–Tax Revenue | – | 2.7 | – |
| Total Availability | $334.0 | $542.7 | $593.9 |

| | | | |
|---|---|---|---|
| 1994 Crime Session Appropriations | $ 26.9 | $168.3 | $ 61.5 |
| Unobligated Availability | 307.1 | | |
| 1993–94 Estimated Reversions | 284.9 | | |
| Total Credit Balance | $592.0 | | |
| Earmarking: | | | |
| Savings Reserve | 148.0 | | |
| Repairs and Renovations Reserve | 60.0 | | |
| Reserve for Tax Relief | – | $ 28.1 | |
| Total Earmarking | $ 208.0 | $ 28.1 | |
| Balance | $ 384.0 | $346.3 | $532.4 |
| Additional Availability: | | | |
| Disproportionate Share Funds (Earmarked) | 114.2 | – | – |
| Disproportionate Share Funds – Additional | 95.7 | – | 94.0 |
| Total Additional Availability | $209.9 | – | $94.0 |
| Budget Reductions | – | 231.3a | 3.7 |
| TOTAL BALANCE | $593.9 | $577.6 | $630.1 |

a. Includes move of Senate Bill 2 recurring funds from the Department of Public Education into the compensation increase reserve in the expansion budget; and the shift of Career Development from recurring to nonrecurring.

Requested by: Senators Daniel, Plyler

**RESERVE FOR TAX RELIEF**

Sec. 8.2. The General Assembly, after assessing the needs of the State, determines that the sum of twenty–eight million one hundred thousand dollars ($28,100,000) of available revenue should not be expended for current operations but rather should be reserved for future tax relief. Therefore, there is established a Reserve for Tax Relief in which these funds shall be held for future action by the General Assembly.

Requested by: Representative Holt,
Senator Odom

**CRIMINAL JUSTICE INFORMATION NETWORK FUNDS**

Sec. 8.3. (a) The Office of State Budget and Management may use the sum of nine hundred thirty thousand dollars ($930,000) placed in a reserve in Section 13 of Chapter 24 of the Session Laws of the 1994 Extra Session to continue studying the development of the Criminal Justice Information Network according to the criteria enumerated in Section 13 of Chapter 24 of the Session Laws of the 1994 Extra Session.

(b) Subsection (b) of Section 13 of Chapter 24 of the Session Laws of the 1994 Extra Session reads as rewritten:

"(b) There is created within the Office of State Budget and Management a Criminal Justice Information Network study committee to conduct the study required under this

section. The study committee shall be appointed by the Governor in consultation with the Lieutenant Governor, the Attorney General, and the Chief Justice of the North Carolina Supreme Court. The Governor shall appoint no more than nine members to the study committee, and shall make the appointments based upon the appointees' knowledge, expertise, and responsibility within the criminal justice system, the juvenile justice system, and related areas. All State and local government agencies shall cooperate fully with the study committee. Prior to expenditure of funds for a consultant to assist in the study, the study committee shall report to the Joint Legislative Commission on Governmental Operations on the consultant selected, the work products to be provided by the consultant, and the cost of the contract, including an itemization of the cost components. The request for proposals shall notify potential bidders that the committee will report this information to the Joint Legislative Commission on Governmental Operations. The request for proposals shall also contain a provision that reads as follows:

> 'Eligibility for Future Requirements: The successful bidder on this project shall not be considered for an award on subsequent hardware, software, and software support and related procurements which are based on specifications or recommendations resulting from this procurement.'

The Division of Purchase and Contract and the Office of State Budget and Management may delete this provision in the request for proposals by jointly (i) filing a written request with the Director of the Budget for authorization to delete this provision from the request for proposals; (ii) sending a copy of this written request for authorization to the Director of the Fiscal Research Division at the time the request is made; (iii) receiving written authorization to delete the provision from the Director of the Budget; and (iv) reporting the authorization, if granted, to the next meeting of the Joint Legislative Commission on Governmental Operations and to the Director of the Fiscal Research Division.

The study committee shall provide a monthly report on its progress (i) to the Chairs of the Senate and House Appropriations Committees, (ii) to the Chairs of the Senate and House Justice and Public Safety Appropriations Subcommittees, and (iii) to the Information Resources Management Commission established by G.S. 143B-426.21 at the regularly scheduled meetings of the Commission. The study committee shall report its final findings and recommendations to the General Assembly on or before ~~February 1, 1995,~~ April 1, 1995, and shall make an interim report by May 15, 1994."

Requested by: Representatives Crawford, Wainwright, Senator Plexico

**STATE GRANT-IN-AID CATALOG**

Sec. 8.4. The Office of State Budget and Management, in cooperation with the Office of State Planning, shall compile and publish annually a catalog of grant-in-aid programs administered by State agencies. The grant-in-aid catalog shall be organized similarly to the Catalog of Domestic Federal Assistance. The grant-in-aid catalog shall assign a unique alpahanumeric identifier to each grant-in-aid program and the identifier shall be included in the accounting key of the State Accounting System so that expenditure information can be readily retrieved and analyzed. Further, the grant-in-aid catalog shall contain the following information:

(1) The name of each grant-in-aid program.

(2) The name and business address of the administering agency, together with the telephone number of a contact person in the agency who is familiar with the grant–in–aid program.

(3) A brief description of the purposes of the grant–in–aid program, along with a citation of the State or federal law authorizing the program.

(4) A brief description of eligibility criteria, typical levels of grant award, number of grants awarded during the previous fiscal year, and funds available during the current and upcoming fiscal year.

(5) Any other information that would serve to explain program features to the public and to interested applicants.

The Office of State Budget and Management and the Office of State Planning shall report to the General Assembly by February 1, 1995, regarding the progress in compiling and publishing a catalog of State grant–in–aid programs.

Requested by: Representatives Nesbitt, Diamont,
Senators Daniel, Plyler

**SCHOOL TECHNOLOGY RESERVE**

Sec. 8.5. Of the availability in the General Fund at the beginning of the 1994–95 fiscal year that is not required to balance the 1994–95 adopted budget and has not been appropriated to the Savings Reserve Account, the sum of forty–two million dollars ($42,000,000) shall be placed in the School Technology Reserve. Funds in this Reserve shall be used for learning and instructional management technology only and shall be spent only in accordance with legislation enacted by the 1995 General Assembly subsequent to its consideration of the January 15, 1995, report of the Commission on School Technology.

**PART 9. GENERAL ASSEMBLY**

Requested by: Senator Plexico, Senator Martin of Guilford,
Representatives Crawford, Wainwright

**FINANCIAL AUDIT OF THE DEPARTMENT OF INSURANCE**

Sec. 9. Of the funds appropriated in this act to the General Assembly, Legislative Services Commission, the sum of seventy–five thousand dollars ($75,000) for the 1994–95 fiscal year shall be used to contract for an independent financial audit of the Department of Insurance in accordance with the auditing standards set forth in Government Auditing Standards. The audit shall be completed on or before January 15, 1995.

Requested by: Senator Plexico, Representatives Crawford, Wainwright, Redwine

**JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE STEERING COMMITTEE**

Sec. 9.1. Of the funds appropriated in this act to the General Assembly, the sum of twenty–five thousand dollars ($25,000) in the 1994–95 fiscal year may be used for the following purposes:

(1) To support the official activities of the Joint Legislative Commission on Seafood and Aquaculture Steering Committee, and

(2) To support the official activities of the Appeals Panel established under Section 3 of Chapter 576 of the 1993 Session Laws. Members of the Appeals Panel who are not employees of the State shall receive, in addition to the allowances provided under G.S. 138–5, compensation at the rate of one hundred fifty dollars ($150.00) *per diem* in lieu of the *per diem* compensation provided in G.S. 138–5(a)(1).

Requested by: Representatives Wilkins, Mercer, Crawford, Wainwright, Senator Plexico

**LRC STUDY CORPORATE ANNUAL REPORT FILING REQUIREMENT AND THE BUSINESS LICENSE INFORMATION OFFICE**

Sec. 9.2. (a) The Legislative Research Commission may study whether the requirement under G.S. 55–16–22 that a corporation file an annual report with the Secretary of State should be modified. The Commission may consider in its study the benefits and detriments of the filing requirement, the financial burden placed on the Secretary of State's Office and on corporations by the filing requirement, and any other issues relevant to the filing requirement. The Commission may also study the Business License Information Office's master application system, the costs of the system to the State, the benefits of the system to the business community, and any other issues related to the master application system or the Business License Information Office. The Legislative Research Commission may make its recommendations and submit an interim report to the 1995 General Assembly, Regular Session 1996, and may make a final report to the 1997 General Assembly.

(b) Of the funds appropriated in this act to the General Assembly for the 1994–95 fiscal year the sum of twenty–five thousand dollars ($25,000) is allocated to the Legislative Research Commission to conduct this study.

Requested by: Representatives Mercer, Crawford, Wainwright, Senator Plexico

**STUDY ALTERNATIVE METHODS TO FUND FIREMEN'S AND RESCUE SQUAD WORKER'S PENSION FUNDS**

Sec. 9.3. (a) There is established the Firefighter and Rescue Worker Pension Fund Study Commission to be composed of 10 members: five members to be appointed by the Speaker of the House of Representatives and five members to be appointed by the President *Pro Tempore* of the Senate. The appointees shall serve until the termination of the Commission. The Speaker of the House of Representatives and the President *Pro Tempore* of the Senate shall each designate a cochair from their appointees. Either Cochair may call the first meeting of the Commission. Vacancies shall be filled in the same manner as the original appointments were made.

(b) The Commission shall study alternative methods to increase the funding for the Firemen's Pension Fund and the Rescue Squad Worker's Pension Fund and any other issues relevant to that topic.

(c) With the prior approval of the Legislative Services Commission, the Legislative Administrative Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the Offices of the House and Senate supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. With the prior approval of the Legislative Services Commission, the Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

(d) The Study Commission shall submit a final written report of its findings and recommendations, including legislation, on or before the convening of the 1995 Session of the General Assembly. All reports shall be filed with the Speaker of the House of Representatives and the President *Pro Tempore* of the Senate. Upon filing its final report, the Commission shall terminate.

(e) Members of the Commission shall be paid *per diem*, subsistence, and travel allowances as follows:

(1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120–3.1.

(2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138–6.

(3) All other Commission members at the rate established in G.S. 138–5.

(f) There is allocated from the funds appropriated to the General Assembly's Legislative Services Commission's studies reserve to the Firefighter and Rescue Worker Pension Fund Study Commission for its work the sum of twenty thousand dollars ($20,000) for the 1994–95 fiscal year.

Requested by: Senator Perdue

**PUBLIC SCHOOL FINANCE STUDY**

Sec. 9.4. Public School Finance. The Legislative Research Commission may study federal, State, and local sources of funding for public school programs and facilities, including the allotment of funds under the Basic Education Program, the low– wealth and small system supplemental funding formulas, the Critical School Facility Needs Fund, the Public School Building Capital Fund, and any other State funds earmarked for public schools. The Commission may report the results of its study to the 1995 General Assembly.

**PART 10. GENERAL GOVERNMENT**

Requested by: Representatives Crawford, Wainwright, Gray, Hensley, Robinson, Senator Plexico

**INFORMATION HIGHWAY FUNDS**

Sec. 10.1. (a) The General Assembly encourages the concept of a switched broadband information highway run by private sector industry, where the State could be a customer, that would (i) enhance the delivery of education, health care, and other services to all of the people of North Carolina and (ii) promote economic development throughout all the counties of North Carolina.

(b) Seven million dollars ($7,000,000) in nonrecurring funds are appropriated in this act to the Office of the State Controller for the North Carolina Information Highway. These funds shall be used to provide one–time grants not to exceed one hundred thousand dollars ($100,000) per site to qualified State or local governmental entities who establish Information Highway sites. To qualify for a grant, a State or local governmental entity must: (i) file an application with the Office of State Controller by November 1, 1994, (ii) present a plan for the use of the grant funds and for the use of the Information Highway site, and (iii) demonstrate its willingness and ability to pay all of the expenses associated with the use and operations of the site. The State Controller shall administer the grants program established by this section after consulting with and receiving the recommendations of the Information Highway Grants Advisory Council.

(c) The Information Highway Grants Advisory Council is created within the Office of the State Controller. The Council shall consist of 18 members as follows:

(1) Five members to be appointed by the Governor.

(2) Four members to be appointed by the Speaker of the House of Representatives, at least one of whom shall be a public member.

(3) Four members to be appointed by the President *Pro Tempore* of the Senate, at least one of whom shall be a public member.

(4) One representative from the Department of Public Instruction to be designated by the Superintendent of Public Instruction.

(5) One representative from the Department of Community Colleges to be designated by the President of the Community College System.

(6) One representative from the The University of North Carolina to be designated by the President of The University of North Carolina.

(7) One representative from the Office of the State Controller, to be designated by the State Controller.

(8) One representative from the North Carolina School of Science and Mathematics, to be designated by the Board of Trustees.

Members of the Council shall be appointed by September 1, 1994, and shall serve two–year terms. The Speaker of the House of Representatives and the President *Pro Tempore* of the Senate shall each designate a cochair from among the member of the General Assembly they appoint to the Council. Vacancies on the Council shall be filled in the same manner as the original appointment.

The members of the Council shall not receive compensation but may receive subsistence and travel in accordance with G.S. 120–3.1, G.S. 138–5, and G.S. 138–6 as appropriate.

(d) The Information Highway Grants Advisory Council shall meet as often as needed to transact its business. The first meeting of the Council shall be called by the cochairs. A majority of the members of the Council shall constitute a quorum. The Office of the State Controller shall provide staff and space to the Council.

(e) The Information Highway Grants Advisory Council shall advise the Governor, the General Assembly, and the Office of the State Controller on matters pertaining to the North Carolina Information Highway. The Information Highway Grants Advisory Council shall, by September 30, 1994, develop criteria for evaluating grant applications under this section. The Information Highway Grants Advisory Council shall evaluate the grant applications and make recommendations to the State Controller regarding grant recipients by December 1, 1994. The State Controller shall not award grants before December 15, 1994. The State Controller shall notify the Information Highway Grants Advisory Council as to whom the intended grant recipients are fifteen days prior to awarding the grants.

(f) The Information Highway Grants Advisory Council and the State Controller shall report to the 1995 General Assembly regarding the grants program for the North Carolina Information Highway. Upon request, the Information Highway Grants Advisory Council and the State Controller shall report to the Joint Legislative Education Oversight Committee and to any other legislative oversight committees.

(g) Those State and local entities that have expended monies prior to June 1, 1994, on Information Highway equipment shall receive preferential consideration in expenditures pursuant to this section.

(h) It is the intent of the General Assembly that those programs receiving grants for the North Carolina Information Highway be reviewed after a three year period to determine the benefits of the programs. No one shall obligate the State to pay any nonrecurring or recurring costs related to the North Carolina Information Highway except to the extent that funds are appropriated by the General Assembly specifically for that purpose. No one shall obligate the State to pay any recurring costs

related to the North Carolina Information Highway beyond the end of the fiscal period for which funds are appropriated for that purpose.

In no event shall anyone obligate the State to pay recurring operating expenses related to the North Carolina Information Highway for any non–State entity.

(i) Notwithstanding any other law, funds in the amount of four million one hundred thousand dollars ($4,100,000) appropriated to the Office of the State Controller in Chapter 561 of the 1993 Session Laws for the 1993–94 fiscal year for the State Telecommunications System shall revert to the General Fund.

## PART 11. DEPARTMENT OF ADMINISTRATION

Requested by: Senator Plexico,
Representatives Wainwright, Crawford

### DOMESTIC VIOLENCE CENTER FUNDS TRANSFERRED

Sec. 11. (a) Funds appropriated to the Department of Administration for domestic violence centers in Chapter 321 and Chapter 561 of the 1993 Session Laws are transferred to the Domestic Violence Center Fund established under G.S. 50B–9.

(b) Section 31 of Chapter 321 of the 1993 Session Laws, as amended by Section 30 of Chapter 561 of the 1993 Session Laws, reads as rewritten:

"Sec. 31. The funds appropriated to the Department of Administration, the North Carolina Council for Women, for the ~~1993–94 fiscal year and for the~~ 1994–95 fiscal year for domestic violence centers shall be ~~allocated equally among domestic violence centers in operation on July 1, 1993, that offer services including a hotline, transportation services, community education programs, daytime services, and call forwarding during the night and that fulfill other criteria established by the Department of Administration. Grants shall be awarded based on criteria established by the Department of Administration and disbursed on a quarterly basis. The North Carolina Coalition against Domestic Violence, Incorporated, is eligible for a grant of ten thousand dollars ($10,000) under this section.~~ administered in accordance with G.S. 50B–9, except that the North Carolina Coalition Against Domestic Violence, Incorporated shall not receive a grant from funds appropriated under this act that exceeds ten thousand dollars ($10,000)."

Requested by: Representatives Crawford, Wainwright,
Senators Plexico, Martin of Guilford

### GPAC/BUDGET REFORM: STRATEGIC PLANS, PERFORMANCE–BASED BUDGETING, LONG–RANGE FINANCIAL MODEL

Sec. 11.1. State Strategic Planning and Outcome Measures:

(a) G.S. 143A–17 is repealed.

(b) G.S. 143–3.5 reads as rewritten:

"**§ 143–3.5. Coordination of ~~statistics.~~ statistics; fiscal analysis required for any bill proposed by a State agency that affects the budget.**

(a) It shall be the duty of the ~~Director~~ Director, through the Office of State Budget and Management and the Office of State Planning to coordinate the efforts of governmental agencies in the collection, development, dissemination and analysis of official economic, demographic and social statistics pertinent to State budgeting. The ~~Office shall~~ Director shall:

(1) Prepare and release the official demographic and economic estimates and projections for the State;

(2) Conduct special economic and demographic analyses and studies to support statewide budgeting;

(3) Develop and coordinate cooperative arrangements with federal, State and local governmental agencies to facilitate the exchange of data to support State budgeting;

(4) Compile, maintain, and disseminate information about State programs which involve the distribution of State aid funds to local governments including those variables used in their allocation; ~~and,~~

(5) Develop and maintain in cooperation with other State and local governmental agencies, an information system providing comparative data on resources and expenditures of local ~~governments.~~ governments: and

(6) Report major trends that influence revenues and expenditures in the State budget in the current fiscal year and that may influence revenues and expenditures over the next five fiscal years.

Every fiscal analysis prepared by the Director or the Office of State Budget and Management addressing the State budget outlook shall encompass the upcoming five-year period. Every fiscal analysis prepared by the Director or the Office of State Budget and Management addressing the impact of proposed legislation on the State budget shall estimate the impact for the first five fiscal years the legislation would be in effect. To minimize duplication of effort in collecting or developing new statistical series pertinent to State planning and budgeting, including contractual arrangements, State agencies must submit to the Director proposed procedures and funding requirements.

(b) Any bill proposed by an executive or judicial department, agency, institution, board, or commission that affects the State budget shall be accompanied by a fiscal analysis. The fiscal analysis shall estimate the impact of the legislation on the State budget for the first five fiscal years the legislation would be in effect.

(c) This section shall not apply to the General Assembly, any of its committees and subcommittees, the Legislative Research Commission, the Legislative Services Commission, or any other committee or commission in the legislative branch."

(c) Article 1 of Chapter 143 of the General Statutes is amended by adding the following sections to read:

"**§ 143-10.3. Strategic planning process.**

(a) The Director, through the Office of State Budget and Management, shall establish and implement a strategic planning process for State government. The strategic planning process shall be designed to produce statewide goals, and State agencies shall develop agency goals and objectives that are consistent with those statewide goals. The Director, in conjunction with State agencies, shall prepare and apply performance measures and indicators of program impact, and shall require agency performance to be reviewed periodically to determine progress toward statewide goals and agency goals. Results of the strategic planning process and agency performance reviews shall be reflected in the budget document proposed by the Governor, as provided in G.S. 143-10.4.

The performance measures and indicators of program impact for each agency shall be based upon clear, unambiguous goals that are established by that agency. The Director shall be responsible for developing and implementing statewide comprehensive performance measures and indicators of program impact in a standardized format applicable across agency lines.

(b) If a member of the Council of State does not agree with the performance measures, departmental operations plans, and indicators of program impact developed in accordance with this section, G.S. 143-10.4, and G.S. 143-10.5, that apply to the

member's department, the member of the Council of State shall submit to the Director of the Budget a statement of specific objections to the program measures and indicators of program impact. The Director of the Budget shall submit the statement to the General Assembly in accordance with G.S. 143–11(5).

**"§ 143–10.4. Departmental operations plans.**

The Director, through the Office of State Budget and Management and in conjunction with State agencies, shall have prepared biennially in the even–numbered years, a comprehensive operations plan for each department, agency, and institution, for which the Director may recommend an appropriation of State funds in the next biennial period. The operations plans shall address the statewide and agency goals contained in the strategic plans developed in accordance with G.S. 143–10.3. The operations plans shall provide objectives, activities, and supporting statistics for the current biennium and for the following three biennial periods. The operations plans shall also provide clear, unambiguous performance measures and outcome indicators, which measures and indicators shall be used for program evaluation and shall be reported in the Governor's biennial budget submission.

The Director shall provide unified planning and budgeting instructions to the departments, agencies, and institutions for use in developing operations plans and biennial budgets.

**"§ 143–10.5. Development of performance measures for major programs.**

(a) The Director of the Budget, through the Office of State Budget and Management and through State agencies, departments, and institutions, shall develop performance measures for the major programs for each State agency, department, and institution. These performance measures shall be developed as part of the biennial comprehensive plan and shall serve as the basis for the development of the biennial budget, beginning with the 1995–97 fiscal biennium.

(b) The Director shall institute a standard process for developing program performance measures and for evaluating performance results, uniform performance measurement terms, and a standardized format for presentation.

(c) The program performance measurement system shall include:

(1) A description of the key performance measures for the program. The performance measures should include: program efficiency or unit cost, outputs or program activity, and outcomes or performance results, with emphasis on the use of program outcome measures.

(2) Identification and description of the current level of performance.

(3) Targets for the desired level of performance.

(4) Identification of future performance measures that should be developed and a time frame for development.

(5) A methodology for regular monitoring of departmental, agency, and institutional performance in relation to the measure.

(6) A methodology for assessing programs that have achieved the desired performance targets through innovative management actions.

(d) The Director of the Budget shall prepare a comprehensive plan for the implementation of a performance measurement system and shall present the plan to the General Assembly at the same time the 1995–97 fiscal biennium budget is submitted to the General Assembly. With regard to programs for which it is anticipated that performance measures will not be fully developed by that date, the Director of the Budget shall submit to the General Assembly at that time, a plan and timetable for the development and implementation of performance measures. In developing the plan,

consideration shall be given to any recommendations and reports of the Governmental Accounting Standards Board. In the event the Director shall conclude that it is not feasible to develop performance measures for particular programs, the Director shall set forth detailed reasons for the conclusion in the report.

(e) Beginning in 1996, the Director of the Budget shall report to the General Assembly no later than February 1 in odd-numbered years and no later than April 1 in even-numbered years on:

(1) The status of the development of the program performance measurement system.

(2) The programs that have not achieved the desired level of performance and the reasons performance targets were not achieved.

(3) The programs that have achieved performance targets through management innovation.

**"§ 143-10.6. Responsibilities of other State agencies.**

All State agencies, departments, and institutions shall cooperate with the Director of the Budget to assist in the implementation of strategic planning, departmental planning, and performance budgeting. The Director of the Budget may assign any responsibility to any State agency, department, or institution as appropriate or needed to implement strategic planning, departmental planning, and performance budgeting."

(d) G.S. 143-11 reads as rewritten:

"**§ 143-11. Survey of departments.**

On or before the fifteenth day of December, biennially in the even-numbered years, the Director shall make a complete, careful survey of the operation and management of all the departments, bureaus, divisions, officers, boards, commissions, institutions, and agencies and undertakings of the State and all persons or corporations who use or expend State funds, in the interest of economy and efficiency, and of obtaining a working knowledge upon which to base recommendations to the General Assembly as to appropriations for maintenance and special funds and capital expenditures for the succeeding biennium. If the Director and the Commission shall agree in their recommendations for the budget for the next biennial period, he shall prepare their report in the form of a proposed budget, together with such comment and recommendations as they may deem proper to make. If the Director and Commission shall not agree in substantial particulars, the Director shall prepare the proposed budget based on his own conclusions and judgment, and the Commission or any of its members retain the right to submit separately to the General Assembly such statement of disagreement and the particulars thereof as representing their views. The budget report shall contain a complete and itemized plan in accordance with G.S. 143-10.3, 143-10.4, and 143-10.5 of all proposed expenditures for each State department, bureau, board, division, institution, commission, State agency or undertaking, person or corporation who receives or may receive for use and expenditure any State funds, in accordance with the classification of funds and accounts adopted by the State Controller, and of the estimated revenues and borrowings for each year in the ensuing biennial period beginning with the first day of July thereafter. Opposite each item of the proposed expenditures, the budget shall show in separate parallel columns the amount expended for the last preceding ~~appropriation~~ fiscal year, for the current ~~appropriation~~ fiscal year, and the increase or decrease. The budget shall clearly differentiate between general fund expenditures for operating and maintenance, special fund expenditures for any purpose, and proposed capital ~~outlays.~~ improvements.

The Director shall accompany the budget with:

(1) A budget message supporting his recommendations and outlining a financial policy and program for the ensuing biennium. The message will include an explanation of increase or decrease over past expenditures, a discussion of proposed changes in existing revenue laws and proposed bond issues, their purpose, the amount, rate of interest, term, the requirements to be attached to their issuance and the effect such issues will have upon the redemption and annual interest charges of the State debt.

(2) State Controller reports including:

a. An itemized and complete financial statement for the State at the close of the last preceding fiscal year ending June 30.

b. A statement of special funds.

(2a) A statement showing the itemized estimates of the condition of the State treasury as of the beginning and end of each of the next two ~~appropriation~~ fiscal years.

(3) A report on the fees charged by each State department, bureau, division, board, commission, institution, and agency during the previous fiscal year, the statutory or regulatory authority for each fee, the amount of the fee, when the amount of the fee was last changed, the number of times the fee was collected during the prior fiscal year, and the total receipts from the fee during the prior fiscal year.

(4) A statement showing the State Board of Education's request, in accordance with G.S. 115C–96, for sufficient funds to provide textbooks to public school students.

(5) Statements of the objections of members of the Council of State received pursuant to G.S. 143–10.3(b) to the performance measures, departmental operations plans, and indicators of program impact prepared in accordance with G.S. 143–10.3, 143–10.4, and 143–10.5.

(6) A list of the budget requests of members of the Council of State that are not included in the proposed budget.

It shall be a compliance with this section by each incoming Governor, at the first session of the General Assembly in his term, to submit the budget report with the message of the outgoing Governor, if he shall deem it proper to prepare such message, together with any comments or recommendations thereon that he may see fit to make, either at the time of the submission of the said report to the General Assembly, or at such other time, or times, as he may elect and fix.

The function of the Advisory Budget Commission under this section applies only if the Director of the Budget consults with the Commission in preparation of the budget."

Sec. 11.2. **Implement Performance Budgeting:** The Director of the Budget shall develop a plan for preparing the 1995–97 fiscal biennium budget in a performance budget format. In developing the plan, consideration shall be given to the program areas of health and safety, environment, correction, justice, social and economic well–being, and economic development and commerce, for which funding shall be provided. The performance budget format shall include the following:

(1) A description of the resources previously expended and proposed for each major program, including expenditures and numbers of employees.

(2) A description of the goals, objectives, and need for programs, including statutory requirements.

(3) A description of the principal program services and activities performed in order to meet program goals and the resources allocated to the major program services.

(4) A description of the efficiency, or unit cost, of providing program services and activities.

(5) A presentation of information on program performance and accomplishments in relation to performance measures established by the Director of the Budget in the department plan, as prescribed in G.S. 143–10.4 and G.S. 143–10.5.

(6) Line item detail on expenditure data shall be provided at the single digit level consistent with the State Accounting System (SAS) chart of accounts as prescribed by the State Controller. The source and amounts of funding for each program shall be identified.

(7) Any changes in the proposed scope of any budget elements, other than to provide for increases in costs due to inflation, shall include explanations as to the impact of the expected changes upon the outputs and performance outcomes of that element subprogram or program.

Sec. 11.3. Annual Financial Model Required:

G.S. 143–15.1 reads as rewritten:

"**§ 143–15.1. Current Operations Appropriations ~~Act.~~ Act; General Fund Financial Model.**

(a) The General Assembly shall enact the Current Operations Appropriations Act by June 15 of odd–numbered years and by June 30 of even–numbered years in which a Current Operations Appropriations Act is enacted. The Current Operations Appropriations Act shall state the amount of General Fund appropriations availability upon which the General Fund budget is based. The statement of availability shall list separately the beginning General Fund credit balance, General Fund revenues, and any other components of the availability amount.

The General Fund operating budget appropriations, including appropriations for local tax reimbursements and local tax sharing, for the second year in a Current Operations Appropriations Act that contains a biennial budget shall not be more than two percent (2%) greater than the General Fund operating budget appropriations for the first year of the biennial budget.

(b) The General Assembly shall review the results of the General Fund Financial model, a computer– based financial model used to project long–term expenditure and revenue trends under various simulations, in its budget deliberations. The model shall be maintained and, from time to time, updated by the Fiscal Research Division of the General Assembly."

Requested by: Representatives Crawford, Wainwright, Richardson, Senator Plexico

**STATE VETERANS HOME**

Sec. 11.4. Subsection (a) of Section 31 of Chapter 561 of the 1993 Session Laws reads as rewritten:

"Sec. 31. (a) It is the intent of the General Assembly that ~~no State funds shall be appropriated in future years to support operational costs of~~ the State Veterans Home in ~~Fayetteville.~~ Fayetteville receive its primary income from fees, charges, and reimbursements, and that State appropriated funds be made available only in the event that other sources are insufficient to cover essential operating costs."

Requested by: Representatives Michaux, Crawford, Wainwright, Senator Plexico

**RENOVATIONS OF THE OLD REVENUE AND OLD EDUCATION BUILDINGS**

Sec. 11.5. The Office of State Construction of the Department of Administration shall schedule the renovations of the Old Revenue and Old Education Buildings so that the agencies who have been designated as the primary tenants for those buildings may move into them as soon as possible. To the extent practical, the Office of State Construction shall conduct the renovations in phases so as to expedite the occupancy of the Old Revenue and Old Education Buildings.

Requested by: Representatives Colton, Diamont, Easterling, Crawford, Wainwright, Senator Plexico

**DAY CARE FACILITY TASK FORCE**

Sec. 11.6. (a) Of the funds appropriated in this act or otherwise available to the Department of Administration for the 1994–95 fiscal year, the Department of Administration shall develop an innovative, state–of–the–art day care facility in the central government complex in compliance with Article 7, Chapter 110 of the General Statutes and upon the advice and recommendation of the North Carolina Day Care Facility Task Force. The facility shall serve as a highly visible project demonstrating the State's commitment to early childhood developmental care.

(b) There is created the North Carolina Day Care Facility Task Force within the Department of Administration for organizational, budgetary, and administrative purposes only. The Task Force shall be composed of nine members of whom three members are *ex officio* and six are appointed, as follows:

(1) The Director of the Division of Child Development, Department of Human Resources;

(2) The Director of the Division of Maternal and Child Health of the Department of Environment, Health, and Natural Resources;

(3) The Superintendent of Public Instruction;

(4) Two members of the Child Day–Care Commission, one appointed by the President Pro Tempore of the Senate and one appointed by the Speaker of the House of Representatives;

(5) Two members of the public appointed by the Governor, one of whom is a parent using day care services;

(6) A member of the Senate appointed by the President *Pro Tempore* of the Senate; and

(7) A member of the House of Representatives appointed by the Speaker of the House of Representatives.

The *ex officio* members may designate a representative from their departments, divisions, or offices to represent them on the Task Force.

(c) All members of the Task Force are voting members. All appointments shall be made by and terms commence on August 1, 1994. Vacancies in the appointed membership shall be filled by the appointing officer who made the initial appointment. The Governor shall appoint a chair of the Task Force biennially from the membership of the Task Force.

(d) The Task Force shall:

(1) Advise the Department of Administration regarding selection of a site for the State day care facility;

(2) Advise the Department of Administration on matters related to developing the site into a safe, well–equipped, educational day care facility;
(3) Advise the Department of Administration on matters related to standards of employment and personnel performance;
(4) Advise the Department of Administration on developing guidelines for selecting children who shall be eligible for admission into the day care facility, including children of State employees, inner–city residents of the City of Raleigh, private citizens, and disabled children and other children who qualify for federal assistance;
(5) Advise the Department of Administration on setting payment rates of persons who use the day care facility, taking into account ability to pay, State and federal subsidies, and access to federal and other funding;
(6) Advise the Department of Administration on the feasibility of contracting the operations of the day care facility to private corporations or establishing a nonprofit corporation to operate the facility;
(7) Periodically assess the operations of the State day care facility;
(8) Conduct a feasibility study of developing a day care facility at Dorothea Dix Hospital; and
(9) Report to the 1995 General Assembly on the progress of developing the day care facility, including progress in selecting a site for the facility, renovating the site to house the facility, hiring staff, and the costs associated with the facility.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**UPGRADE SATELLITE AND MICROWAVE SYSTEM**

Sec. 11.7. Funds appropriated to the Department of Administration in Section 4 of Chapter 561 of the 1993 Session Laws, for Public Telecommunications upgrade satellite system, shall be reallocated for the 1994–95 fiscal year to be used along with federal funds to upgrade Public Telecommunication's existing satellite and microwave systems.

**PART 12. DEPARTMENT OF CULTURAL RESOURCES**

Requested by: Senators Plyler, Plexico,
Representatives Wainwright, Crawford

**CULTURAL RESOURCES FUNDS REALLOCATION**

Sec. 12. Of the funds appropriated in Section 4 of Chapter 561 of the 1993 Session Laws to the Department of Cultural Resources for the Museum of History – Core Exhibition Design and Construction, the sum of seven hundred thousand dollars ($700,000) for the 1994–95 fiscal year shall be reallocated in the following amounts and shall be used for the following purposes:
(1) $300,000 for the Museum of the Cape Fear,
(2) $50,000 for the Thomas Day House,
(3) $50,000 for the Newbold White House,
(4) $50,000 for the Albemarle–Stanly County Historic Preservation Commission,
(5) $150,000 for the Chinqua–Penn Plantation – Planning Grant,
(6) $50,000 for the Union County Arts Council, and
(7) $50,000 for the Captain White House

Requested by: Representatives Crawford, Wainwright, Colton, Senator Plexico

**ART IN STATE BUILDINGS/ADMINISTRATIVE COSTS**

Sec. 12.1.(a) G.S. 143–408.3 reads as rewritten:

**"§ 143–408.3. Definitions.**

In this Article, unless the context otherwise requires, the following definitions shall apply:

(1) 'Construction' means construction, reconstruction, remodeling, or renovation.

(2) 'Contracting officer' means the public officer or body responsible for securing the preparation of plans and specifications for the purpose of negotiating or advertising for bids for the construction of a State building.

(3) 'Designer' means an architect or engineer licensed in North Carolina.

(4) 'Principal user' means the State agency which will be the principal occupant of the proposed State building. However, in cases where more than one agency will occupy a building, 'principal user' means the Secretary of the Department of Administration.

(5) 'State building' means any permanent structure together with all grounds and appurtenant structures which are intended as offices; laboratories; workshops; courtrooms; hearing or meeting rooms; medical, dental, library, or museum space for use by the general public; or other space for carrying on the functions of a State agency which is to be constructed, reconstructed, remodeled, or renovated using an appropriation of State funds when the amount appropriated for that purpose exceeds ~~five hundred thousand dollars ($500,000).~~ one million dollars ($1,000,000).

(6) 'Works of art' or 'art works' includes, but is not limited to, paintings, sculptures, fountain sculptures, frescoes, mobiles, murals, collages, mosaics, bas–reliefs, tapestries, photographs, drawings, silk screens, etchings, and lithographs. The term 'works of art' or 'art works' shall not include any reproductions of original art by mechanical means."

(b) G.S. 143–408.4 reads as rewritten:

**"§ 143–408.4. Appropriations and procedure for inclusion of art works.**

(a) One–half of one percent (0.5%) of the amount ~~spent~~ appropriated for the construction of each State building, not including the amount of funds used for land acquisition, shall be used for the acquisition of works of art for that building.

(b) The amount to be expended for the acquisition of art works for the building shall be included in the stated limit of the design contract and the amount shall also be incorporated by the designer in his total cost estimate for construction.

(c) If the contracting officer, the principal user and the Secretary of Administration jointly determine and certify in writing that, due to the use of the building or other reasons, a particular construction project is not appropriate for the placement of art works the provisions of this Article shall not apply, or, if not appropriate for the expenditure of a full one–half percent (0.5%) of the amount ~~spent~~ appropriated for construction as defined in G.S. 143–408.3, then in some percentage up to one–half percent.

(d) The selection and commissioning of artists and the acquisition and execution of works of art for State buildings undertaken pursuant to this Article shall be exempt from the provisions of all State bidding requirements. Expenditures for works of art

as provided in this Article shall be contracted for separately from all other items in the construction project.

(e) Of the one-half of one percent (0.5%) of the amount ~~appropriated~~ appropriated, or, in cases when an appropriation has been made for planning or design only, the amount approved by the Office of State Construction for the construction cost of a State building ~~which~~ that is dedicated to the acquisition of works of art pursuant to subsection (a) of this section, no more than ~~eight percent (8%)~~ twenty percent (20%) of those funds may be used for the administrative costs of acquiring the art works. Funds for the administrative costs for acquisition of the art works shall be disbursed to the Department of Cultural Resources at the time the design contract is signed.

(e1) Of the one-half of one percent (0.5%) of the amount estimated for the construction cost of a State building that is dedicated to the acquisition of works of art pursuant to subsection (a) of this section, up to ten percent (10%) of the funds reserved for the artist's fee may be used as advanced planning funds to enable the artist, upon selection, to develop working drawings and to incorporate plans for the art work in the construction documents for the State building. Funds for advanced planning shall be disbursed at the time the artist's contract is approved.

(e2) Of the one-half of one percent (0.5%) of the amount appropriated for the construction cost of a State building that is dedicated to the acquisition of works of art pursuant to subsection (a) of this section, two percent (2%) shall be placed in a nonreverting fund for the repair and conservation of the works of art in the Art Works for State Buildings Collection in the Department of Cultural Resources.

(f) The Department of Cultural Resources may issue any rules necessary for the implementation of this ~~act~~ Article and shall administer the program created by this ~~act~~ Article through the North Carolina Arts Council."

(c) G.S. 143-408.5(a) reads as rewritten:

"(a) Whenever a new State building is to be constructed, the contracting officer, together with the designer who has been engaged to prepare the plans for the project, shall consult with the principal user and the Public Arts Administrator of the North Carolina Arts ~~Council~~ Council, prior to the schematic phase of the building, regarding the works of art to be included in the design of the building and the artist or craftsman to be commissioned for the project."

(d) This section applies to State buildings authorized after September 1, 1992.

Requested by: Representatives Crawford, Wainwright,
Senator Plexico

**TRYON'S PALACE ARTIFACTS**

Sec. 12.2. G.S. 121-20 reads as rewritten:

**"§ 121-20. Commission to receive and expend funds donated or made available for restoration of Tryon's ~~Palace.~~ Palace; Commission to acquire and sell artifacts for Tryon's Palace.**

(a) In addition to exercising the powers and duties imposed upon the Tryon Palace Commission by Chapter 791 of the Session Laws of 1945 and Chapter 233 of the Session Laws of 1949, the Tryon Palace Commission is hereby fully authorized and empowered to receive and expend and disburse, for the restoration of the said Tryon's Palace, all such funds and property which were provided for said purpose by the last will and testament of Maude Moore Latham, deceased, and the said Commission shall likewise have the power and authority to receive and expend all such other funds as may be donated or made available for the purpose of restoring the said Palace or for

the purpose of furnishing and equipping same and the grounds on which the same is located at New Bern, North Carolina.

The Tryon Palace Commission is hereby authorized, empowered and directed to designate some person as financial officer and treasurer, to disburse the funds and property devised by Maude Moore Latham to the said Tryon Palace Commission for the aforesaid purpose and all such other funds as may be donated or made available to the said Commission for expenditure for the aforesaid purposes. The said financial officer and treasurer shall be made the custodian of all stocks, bonds and securities and funds hereinbefore referred to and shall be authorized and empowered to sell, convert and transfer any stocks, bonds and securities held for such purpose, subject to and with the advice and approval of a finance committee to be appointed by the Tryon Palace Commission for such purpose. The sale and conversion and transfer of said securities shall be made when necessary to provide funds required for the said restoration and at such time as, in the opinion of the finance officer and treasurer, when approved by the finance committee, will be to the interests and advantage of the Tryon Palace Commission and the purposes for which said funds and securities were provided.

The finance officer and treasurer aforesaid shall be required to give such bond as, in the opinion of the Tryon Palace Commission, is proper for the faithful performance as finance officer and treasurer, and shall render to the Tryon Palace Finance Committee, with copies to the Department of Cultural Resources and the State Treasurer, annual or ad interim detailed reports of moneys and/or securities received, exchanged or converted into cash. Checks issued against such funds shall be countersigned by the chairman of Tryon Palace Commission, or by one duly authorized by the said Commission.

The finance officer and treasurer shall serve without compensation; however, any expenses incurred for the faithful performance of said duties, including the cost of the bond, shall be borne by the Tryon Palace Commission, from the proceeds of the funds thus handled.

The Tryon Palace Commission shall have the power and authority in its discretion to call upon the Treasurer of the State of North Carolina to act as treasurer of the said funds and properties and, if so designated, said treasurer shall exercise all the powers and duties herein imposed upon the financial officer and treasurer hereinbefore referred to.

The Tryon Palace Commission is hereby authorized and empowered to expend the funds hereinbefore referred to and it may disburse said funds through the Department of Cultural Resources in the event it is found more practical to do so, and said Commission shall cooperate with the Department of Cultural Resources of the State of North Carolina in the expenditure of the funds for the restoration of said Tryon's Palace provided by two trust funds created by Maude Moore Latham in her lifetime, which funds shall be expended in accordance with the terms and provisions of said trusts for the purposes therein set out.

(b) The Tryon Palace Commission may solicit, accept, and hold artifacts and furnishings, and may acquire them by purchase or gift for the interpretive needs and development of Tryon Palace Historic Sites and Gardens. The Commission may dispose of by trade, sale, or transfer, in accordance with accepted museum practices, any accessioned or unaccessioned artifacts and furnishings in the custody of the Commission, or its appointed officers, that are determined to have no further value for official or administrative purposes or for research, reference, or interpretation. Any proceeds realized through the deaccession and sale of artifacts and furnishings shall be placed in a collections fund administered by the Tryon Palace Commission. Monies

received by the Commission, after deduction of the expenses attributable to that sale, shall be used for the acquisition of artifacts and furnishings necessary or desirable for research, reference, and interpretation at Tryon Palace Historic Sites and Gardens."

Requested by: Representatives Crawford, Wainwright,
Senator Plexico

**CULTURAL RESOURCES MAY SELL ARTIFACTS**

Sec. 12.3. G.S. 121–7(a) reads as rewritten:

"(a) The Department of Cultural Resources shall maintain and administer the North Carolina Museum of History for the collection, preservation, study, and exhibition of authentic artifacts and other historical materials relating to the history and heritage of North Carolina. The Department, with the approval of the Historical Commission, may acquire, either by purchase, gift, or loan such artifacts and materials, and, having acquired them, shall according to accepted museum practices classify, accession, preserve, and where feasible exhibit such materials and make them available for study. Within available funds, one or more branch museums of history may be established and administered by the Department. The Department of Cultural Resources, subject to the availability of staff and funds, may give financial, technical, and professional assistance to nonstate historical museums sponsored by governmental agencies and nonprofit organizations according to regulations adopted by the North Carolina Historical Commission.

The Department of Cultural Resources may, with the explicit approval of the North Carolina Historical Commission sell, trade, or place on permanent loan any artifact owned by the State of North Carolina and in the custody of and curated by the Division of Archives and History, unless the sale, trade, or loan would be contrary to the terms of acquisition. The net proceeds of any sale, after deduction of the expenses attributable to that sale, shall be deposited to the State treasury to the credit of the Division of Archives and History Artifact Fund, and shall be used only for the purchase of other artifacts. No artifact curated by any agency of the Department of Cultural Resources may be pledged or mortgaged."

Requested by: Representatives Crawford, Wainwright, Hensley,
Senator Plexico

**CULTURAL RESOURCES SECURITY OFFICERS**

Sec. 12.4. Section 34 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 34. (a) On July 1, 1994, the Department of Cultural Resources shall redefine the job responsibilities of its security ~~positions~~ positions, with the exception of the security positions for the North Carolina Museum of Art, so that the services of a certified law enforcement officer are no longer required, and shall accordingly discontinue payments to the Law Enforcement Officers' Retirement System.

(b) The Department of Cultural Resources in cooperation with the Department of Administration shall develop a plan to transfer by July 1, 1995, the security positions now under the North Carolina Museum of Art, Department of Cultural Resources, to the State Capitol Police, Department of Administration. The Department of Cultural Resources and the Department of Administration shall submit the plan to the General Assembly by March 1, 1995. The plan shall include all of the following:

(1) An evaluation of the security technology currently installed in the North Carolina Museum of Art and recommendations regarding any additional equipment that may be needed to ensure adequate security for the Museum.

(2) The establishment of a State Capitol Police substation or its equivalent in close proximity to State facilities located on Reedy Creek Road or Blue Ridge Road so that adequate security shall be provided to State property in that vicinity.

(3) An agreement from the North Carolina Museum of Art to make available to the State Capitol Police any special training needed by officers deployed to provide security at the Museum.

(4) A detailed cost proposal for the plan."

Requested by: Senators Daniel, Plyler

**CREATION OF ROANOKE ISLAND COMMISSION**

Sec. 12.5 (a) Article 2 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 27A. Roanoke Island Commission.

**"§ 143B-131.1. Commission established.**

There is established the Roanoke Island Commission. The Commission shall be located within the Department of Cultural Resources for organizational, budgetary, and administrative purposes.

**"§ 143B-131.2. Roanoke Island Commission. — Powers and duties.**

(a) The Commission is created to combine various existing entities in the spirit of cooperation for a cohesive body to protect, preserve, develop, and interpret the historical and cultural assets of Roanoke Island.

The Commission may:

(1) Advise the Secretary of Transportation and adopt rules on matters pertaining to, affecting, and encouraging restoration, preservation, and enhancement of the appearance and aesthetic quality of U.S. Highway 64/264 and N.C. 400 travel corridors on Roanoke Island.

(2) Advise the Secretary of the Department of Cultural Resources and adopt rules on matters pertinent to the operation and maintenance of the Elizabeth II State Historic Site and Visitor Center and the Elizabeth II as permanent memorials commemorating the Roanoke Voyages, 1584–1587.

(3) Advise the Secretary of the Department of Cultural Resources and adopt rules on matters pertinent to the development of Ice Plant Island and to manage future facilities in cooperation with the Department of Cultural Resources.

(4) Advise the Secretary of the Department of Cultural Resources on matters pertinent to historical and cultural events on Roanoke Island.

(5) With the assistance of the Department of Cultural Resources, identify, preserve, and protect properties located on Roanoke Island having historical significance to the State of North Carolina, Dare County, or the Town of Manteo consistent with applicable State laws and Department rules.

(6) Make recommendations to the Secretary of the Department of Cultural Resources for establishing and providing a proper charge for admission to the ship, and for the maintenance and operation of the ship, the visitor center, and the grounds as a permanent memorial and exhibit.

(7) Solicit and accept gifts, grants, and donations.

(8) Cooperate with the Secretary and Department of Cultural Resources, the Secretary and Department of Transportation, the Secretary and Department of Environment, Health, and Natural Resources, and other governmental agencies, officials, and entities, and provide them with assistance and advice.

(9) Adopt and enforce such bylaws, rules, regulations, and guidelines that the Commission deems to be reasonably necessary in order to carry out its powers and duties.

(10) Establish and maintain a 'Roanoke Island Commission Fund' composed of moneys which may come into its hands from gifts, donations, grants, or bequests, which funds will be used by the Commission for purposes of carrying out its duties and purposes herein set forth. The Commission may establish a reserve fund to be maintained and used for contingencies and emergencies.

(11) By cooperative arrangement with other agencies, groups, individuals, and other entities, coordinate and schedule historical and cultural events on Roanoke Island.

(12) Make recommendations to the Secretary of Cultural Resources concerning personnel and budgetary matters.

(13) Acquire real and personal property by purchase, gift, bequest, devise, and exchange.

(b) Contract Authority. — The Commission may procure supplies, services, and property as appropriate and may enter into contracts, leases, or other legal agreements consistent with State laws and Department rules to carry out the purposes of this Part and duties of the Commission.

**"§ 143B-131.3. Assignment of property; offices.**

Upon request of the Commission, the head of any State agency may assign property, equipment, and personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Part. Assignments under this section shall be without reimbursement by the Commission to the agency from which the assignment was made.

**"§ 143B-131.4. Commission reports.**

Before July 1, 1995, the Commission shall submit to the General Assembly a comprehensive report incorporating specific recommendations of the Commission for development and promotion of the Elizabeth II State Historic Site and Visitor Center. After the initial report, the Commission shall submit a report to the General Assembly within 30 days of the convening of each Regular Session of the General Assembly. The report shall include:

(1) A summary of actions taken by the Commission consistent with the powers and duties of the Commission set forth in G.S. 143B-131.2.

(2) Recommendations for legislation and administrative action to promote and develop the Elizabeth II State Historic Site and Visitor Center.

(3) An accounting of funds received and expended.

**"§ 143B-131.5. Roanoke Island Commission. — Additional powers and duties; transfer of assets and liabilities.**

(a) The Commission shall also have the powers and duties established by Chapter 1194, Session Laws of 1981, as amended.

(b) Effective October 1, 1994, all lawful standards, rules, regulations, guidelines, contracts, agreements, permits, bylaws, and certificates of appropriateness of or issued by the Roanoke Voyages Corridor Commission or the Roanoke Voyages and Elizabeth II Commission shall remain in effect until modified, amended, revoked, repealed, or changed (as appropriate) by the Roanoke Island Commission in accordance with law.

(c) Effective October 1, 1994, all the assets and liabilities of the Roanoke Voyages and Elizabeth II Commission are vested in the Roanoke Island Commission.

"§ 143B-131.6. Roanoke Island Commission. — Members; terms; vacancies; expenses; officers.

(a) The Commission shall consist of 24 voting members appointed as follows:

(1) Six members appointed by the Governor;

(2) Six members appointed by the General Assembly upon the recommendation of the President *Pro Tempore* of the Senate, at least two of whom reside in Dare County;

(3) Six members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, at least two of whom reside in Dare County; and

(4) The following persons, or their designees, *ex officio*:

a. The Governor;

b. The Attorney General;

c. The Secretary of the Department of Cultural Resources;

d. The Secretary of the Department of Transportation;

e. The Chair of the Dare County Board of Commissioners; and

f. The Mayor of Manteo.

(b) Members shall serve for two-year terms, with no prohibition against being reappointed, except initial appointments shall be for terms as follows:

(1) The Governor shall initially appoint three members for a term of two years and three members for a term of three years.

(2) The General Assembly upon the recommendation of the President *Pro Tempore* of the Senate shall initially appoint three members for a term of two years and three members for a term of three years.

(3) The General Assembly upon the recommendation of the Speaker of the House of Representatives shall initially appoint three members for a term of two years and three members for a term of three years.

Initial terms shall commence on October 1, 1994.

(c) The Governor shall appoint a chair biennially from among the membership of the Commission. The initial term of the chair shall commence on October 1, 1994. The Commission shall elect from its membership a vice-chair, a secretary, and treasurer to serve two-year terms. The Commission in its discretion may appoint a historian to serve at its pleasure. Initial terms shall commence on October 1, 1994.

(d) A vacancy in the Commission resulting from the resignation of a member or otherwise, shall be filled in the same manner in which the original appointment was made, and the term shall be for the balance of the unexpired term. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.

(e) The Commission members shall receive no salary as a result of serving on the Commission but shall receive *per diem*, subsistence, and travel expenses in accordance with the provisions of G.S. 138-5 and G.S. 138-6, as applicable. When approved by the Commission, members may be reimbursed for subsistence and travel expenses in excess of the statutory amount.

(f) Members may be removed in accordance with G.S. 143B-13 as if that section applied to this Part.

(g) The chair shall convene the Commission. Meetings shall be held as often as necessary, but not less than two times a year.

(h) A majority of the members of the Commission shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the members present at

meetings of the Commission shall be necessary for action to be taken by the Commission.

(i) The Commission shall make its recommendations by September 15 of each year that terms expire for appointments for terms commencing November 1 of that year; provided the initial appointments for terms commencing October 1, 1994, shall be made upon recommendation of the Roanoke Island Historical Association.

**"§ 143B-131.7. Roanoke Island Commission. — Counsel.**

The Attorney General shall assign legal counsel to the Commission."

(b) Sections 3.2 and 3.3 of Chapter 673, Session Laws of 1985, are amended by deleting "Section 2", and substituting "Section 3".

(c) Effective October 1, 1994, Part 27 of Article 2 of Chapter 143B of the General Statutes is repealed.

(d) Effective October 1, 1994, the statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the Roanoke Voyages and Elizabeth II Commission are transferred to the Roanoke Island Commission.

All its prescribed powers, including, but not limited to, rule making, regulation, licensing, and promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications are transferred as well.

(e) This section becomes effective October 1, 1994.

## PART 13. OFFICE OF THE GOVERNOR

Requested by: Senators Martin of Guilford, Plexico,
Representatives Crawford, Wainwright

**REPORT TO AUDITOR ON TRANSFERS BETWEEN OBJECTS AND ITEMS**

Sec. 13. G.S. 143–23(a1) reads as rewritten:

"(a1) No transfers may be made between objects or line items in the budget of any department, institution, or other spending agency; however, with the approval of the Director of the Budget, a department, institution, or other spending agency may spend more than was appropriated for an object or line item if the overexpenditure is:

(1) In a purpose or program for which funds were appropriated for that fiscal period and the total amount spent for the purpose or program is no more than was appropriated for the purpose or program for the fiscal period;
(2) Required to continue a purpose or program because of unforeseen events, so long as the scope of the purpose or program is not increased;
(3) Required by a court, Industrial Commission, or administrative hearing officer's order or award or to match unanticipated federal funds;
(4) Required to respond to an unanticipated disaster such as a fire, hurricane, or tornado; or
(5) Required to call out the National Guard.

The Director of the Budget shall report on a quarterly basis to the Joint Legislative Commission on Governmental ~~Operations and to~~ Operations, the Fiscal Research Division of the Legislative Services ~~Office~~ Office, and the State Auditor the reason if the amount expended for a purpose or program is more than the amount appropriated for it from all sources. If the overexpenditure was authorized under subdivision (2) of this subsection, the Director of the Budget shall identify in the report the unforeseen event that required the overexpenditure.

Funds appropriated for salaries and wages are also subject to the limitation that they may only be used for (i) salaries and wages or for premium pay, overtime pay, longevity, unemployment compensation, workers' compensation, temporary wages, contracted personal services, moving expenses, payment of accumulated annual leave, certain awards to employees, tort claims, and employer's social security, retirement, and hospitalization payments; or (ii) uses for which over expenditures are permitted by subdivisions (3), (4), and (5) of this subsection but the Director of the Budget shall include such use and the reason for it in his quarterly report to the Joint Legislative Commission on Governmental ~~Operations and to~~ Operations, the Fiscal Research Division of the Legislative Services ~~Office.~~ Office, and the State Auditor.

Lapsed salary funds that become available from vacant positions are also subject to the limitation that they may not be used for new permanent employee positions or to raise the salary of existing employees.

The requirements in this section that the Director of the Budget report to the Joint Legislative Commission on Governmental Operations and the State Auditor shall not apply to expenditures of receipts by entities that are wholly receipt supported, except for entities supported by the Wildlife Resources Fund.

The State Auditor shall review the report received from the Director of the Budget to ensure that the transfer complied with the intent and the provisions of this Article and shall report the Auditor's findings to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division."

## PART 14. DEPARTMENT OF INSURANCE

Requested by: Senator Plexico,
Representatives Crawford, Wainwright

## CONTROLLER'S RECOMMENDATIONS/INSURANCE DEPARTMENT'S CHART OF ACCOUNTS

Sec. 14. The Office of the State Controller performed a review of the Department of Insurance's chart of accounts in accordance with Section 42 of Chapter 321 of the 1993 Session Laws and reported its findings and recommendations in a letter dated March 1, 1994, to the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The Office of the State Controller made several recommendations to bring the Department's accounting practices in compliance with standards promulgated by the Governmental Accounting Standards Board (GASB) and to be consistent with the accounting principles and guidelines prescribed for use within the State's accounting system. The Department of Insurance and the Office of State Budget and Management under the supervision of the Office of the State Controller shall implement the first three recommendations of the Office of the State Controller with regard to the following:

(1) Governmental Accounting Standards Board Classifications. — The Office of State Budget and Management and the Department of Insurance shall establish two special revenue budget codes, interest bearing and noninterest bearing, to be on deposit with the State Treasurer. The following list of funds within budget code number 63900 shall be recorded in an interest bearing special revenue budget code:

| Fund | Title | GASB No. | Reassigned GASB No. |
|---|---|---|---|
| 6112 | Safety Grants Program | 3100 | 1319 |
| 6123 | Volunteer Rescue/EMS | 3100 | 1319 |

| | | | |
|---|---|---|---|
| 6133 | Volunteer Fire Dept. | 3100 | 1319 |
| 6134 | Special Training Schools | 3900 | 1300 |
| 6135 | Fire and Rescue Journals | 3900 | 1319 |
| 6140 | Fire Prevention Week | 3900 | 1319 |
| 6501 | Qualification Board Fund | 3900 | 1319 |

The following list of funds within budget code number 63901 shall be recorded in a noninterest bearing special revenue fund:

| Fund | Title | GASB No. | Reassigned GASB No. |
|---|---|---|---|
| 6121 | NC Firemen's Assoc. Grant | 3100 | 1319 |
| 6122 | Res. Squad Workers Relief | 3100 | 1319 |

(2) Incorrect Budget Code. — The Department of Insurance Fund (DAS Fund 6000) and the Consumer Protection Fund (DAS Fund 6001) shall be accounted for in an interest bearing special revenue budget code. The Continuing Education Program (DAS Fund 6231) shall be accounted for in a noninterest bearing special revenue budget code. The funds are being recorded as a special revenue fund for financial reporting purposes.

(3) Classification of Divisions Currently Accounted for in Trust Funds. — The revenue for the field audit division (DAS fund 6222), market conduct division (DAS fund 6223), and regulatory actions division (DAS fund 6226) of the Department of Insurance shall be recorded in the General Fund as receipts of the Department rather than in trust funds from which transfers are periodically made to the General Fund.

Requested by: Senator Martin of Guilford,
Representatives Crawford, Nesbitt

**CONSUMER PROTECTION FUND**

Sec. 14.1. G.S. 58–2–215(d) reads as rewritten:

"(d) In no event shall more than ~~fifty percent (50%)~~ seventy percent (70%) of the amount in the Fund be allocated or spent for any one purpose specified in subsection (b) of this section in any fiscal year."

Requested by: Senators Plyler, Plexico,
Representatives Wainwright, Crawford

**PROVIDE STAFF POSITIONS TO ADMINISTER FIRE AND RESCUE CERTIFICATION PROGRAMS**

Sec. 14.2. The North Carolina Fire and Rescue Commission is authorized four staff positions to administer fire and rescue certification programs. Of the four positions, three shall be field positions and one shall be clerical. The positions shall be funded by the Department of Insurance Fund and shall become part of the Commission's continuation budget.

**PART 15. DEPARTMENT OF REVENUE**

Requested by: Senator Plexico,
Representatives Wainwright, Crawford

**STATE CONTROLLER REVIEW OF REVENUE CHART OF ACCOUNTS**

Sec. 15. The Office of the State Controller as authorized by G.S. 143B–426.39 and this section shall review the chart of accounts used by the Department of Revenue and shall report to the 1995 General Assembly and to the Department of Revenue by March 1, 1995, the findings and recommendations of the State Controller's office

regarding changes needed to align the accounting practices in the Department of Revenue with standards of the Government Accounting Standards Board and generally accepted principles of governmental accounting used within the State's accounting system.

Requested by: Representatives Crawford, Wainwright,
Senator Plexico

**REIMBURSEMENT FOR COST OF COLLECTING WHITE GOODS TAX**

Sec. 15.1. (a) Section 10 of Chapter 471 of the 1993 Session Laws is repealed.

(b) Section 11 of Chapter 471 of the 1993 Session Laws reads as rewritten:

"Sec. 11. Sections 1 through 5 of this act and this section become effective January 1, 1994. Section 3 of this act expires July 1, 1998. Section 6 of this act becomes effective July 1, 1998. Sections 7, 8, and 9 of this act become effective July 1, 1999. ~~Section 10 of this act becomes effective January 1, 1995.~~

The repeal of the tax imposed by Section 3 of this act does not affect the rights or liabilities of the State, a taxpayer, or another person that arose during the time the tax was in effect. The first report submitted by the Department to the Environmental Review Commission under G.S. 130A–309.85, as enacted by this act, shall cover the period from January 1, 1994, to June 30, 1994."

## PART 15A. OFFICE OF THE STATE AUDITOR

Requested by: Senator Plexico,
Representatives Wainwright, Crawford

**COST ANALYSIS OF BROADBAND TELECOMMUNICATIONS**

Sec. 15A. The State Auditor shall conduct a comprehensive analysis to determine costs of applying broadband telecommunications technology to: public schools, community colleges, universities, hospitals, State agencies and other State–owned institutions. Issues to be addressed during the study shall include the following:

(1) The costs to the State of using this technology including the following: hardware and software contracts; consultant, service, and communication provider contracts; and executed site plan commitments (Documents of Understanding).

(2) The projected costs to the State of using this technology including the following: projected hardware and software costs for all sites; projected costs of consultant, service, and communication provider services; projected personnel and equipment costs associated with the use of broadband technology at all sites including State Information Processing Services in the Office of the State Controller and also the MCNC.

(3) Any other issues relating to broadband technology and the State's use of this technology that the Office of the State Auditor, in the exercise of its discretion, deems necessary or advisable.

All State agencies and officials shall cooperate fully with the Office of the State Auditor in its performance of this study. This includes providing ready and complete access to all materials, including those in draft form and those that may contain confidential, proprietary, or similar information. It is the intent of the General Assembly that the Office of the State Auditor have the same independence in conducting this study as is provided by G.S. 147–64.8 for an audit.

## PART 16. STATE BOARD OF ELECTIONS

Requested by: Senator Plexico,
Representatives Crawford, Wainwright

### STATE BOARD OF ELECTIONS NEEDS ASSESSMENT

Sec. 16. (a) The State Board of Elections shall conduct a needs assessment and requirements analysis for computerized voter registration. The needs assessment shall determine whether there is a need for additional computerization of voter registration on a statewide basis, on the county level, or both. The requirements analysis shall prepare specifications for the additional computerization, if any, that the needs assessment determines is needed. Those specifications shall include, but not necessarily be limited to, functional requirements, performance requirements, interface requirements with other computer applications, data communications requirements, computer application design requirements, and project development standards.

The State Board of Elections shall use an outside consultant, procured through the Department of Administration, Division of Purchase and Contract, to conduct the needs assessment and requirements analysis. In requests for bids, requests for quotes, requests for proposals, or other procurement actions issued through the Department of Administration, Division of Purchase and Contract, or through any other State agency, for a consultant to write these specifications there shall be a provision that reads as follows:

"Eligibility for Future Requirements: The successful offeror on this project will not be considered for an award on subsequent hardware, software, software support, and related procurements which are based on specifications or recommendations resulting from this procurement."

The Division of Purchase and Contract and the State agency or agencies involved in the procurement may delete this provision in a procurement request by jointly:

(1) Filing a written request with the Director of the Budget for authorization to delete this provision from the procurement effort,

(2) Sending a copy of this written request for authorization to the Director of the Fiscal Research Division at the time it is filed with the Office of State Budget and Management,

(3) Receiving written authorization to delete the provision from the Director of the Budget, and

(4) Reporting the authorization, if it is granted, to the Director of the Fiscal Research Division and to the next meeting of the Joint Legislative Commission on Governmental Operations.

(b) Of the funds appropriated in this act to the State Board of Elections the sum of one million five hundred thousand dollars ($1,500,000) for fiscal year 1994–95 shall be deposited into a reserve fund for computerized voter registration. The State Board of Elections may spend money from the reserve fund only after the following conditions have been met:

(1) A needs assessment and requirements analysis has been conducted in accordance with subsection (a) of this section and has recommended that investments be made in computerized voter registration, and that the State Board of Elections has developed a specific proposal for computerization in accordance with the recommendations of that needs assessment and requirements analysis.

(2) The specific proposal developed with the State Board of Elections in accordance with subdivision (1) of this subsection has been approved by the Information Resource Management Commission.

(3) After the conditions of subdivisions (1) and (2) of this subsection have been met, the State Board of Elections has reported its specific plans for computerized voter registration to the Joint Legislative Commission on Governmental Operations.

After the conditions in subdivisions (1) through (3) of this subsection have been met, the State Board of Elections may spend money from the fund created by this subsection, but only for a computerization plan that has met those three conditions.

(c) To the extent that this section conflicts with G.S. 163–82.11, G.S. 163–82.12, or G.S. 163–82.13, as enacted by Chapter 762 of the 1993 Session Laws, this section prevails to the extent of the conflict.

Requested by: Representatives Nesbitt, Diamont,
Senators Daniel, Plyler

**VOTER REGISTRATION EXPENSES/ESC/IMPLEMENT NVRA**

Sec. 16.1. (a) Upon request of the Employment Security Commission, the State Budget Officer shall conduct a workload analysis of that agency's expected and actual voter registration activity related to compliance with Article 7A of Chapter 163 of the General Statutes as enacted by Chapter 762 of the 1993 Session Laws, or compliance with P.L. 103–31, and shall report the results of that study to the Director of the Budget, the appropriate Subcommittees of the House of Representatives' Appropriations Committee and the Senate Appropriations Committee, and the Fiscal Research Division of the General Assembly by April 1, 1995, except that the report on expected activity shall be made by December 1, 1994.

(b) The Chairman of the Employment Security Commission, following the provisions in subsection (a) of this section regarding expected agency workload analysis, may submit a nonrecurring funding request to the Director of the Budget for funds from interest accrued in the Worker Training Trust Fund to offset costs of compliance with Article 7A of Chapter 160A of the General Statutes as enacted by Chapter 762 of the 1993 Session Laws, or compliance with P.L. 103–31. Such funds may be used only if federal funds are unavailable or insufficient.

Requested by: Representatives Michaux, Diamont, Nesbitt,
Senators Daniel, Plyler

**VOTER REGISTRATION GRANTS TO COUNTIES/IMPLEMENT NVRA**

Sec. 16.2. (a) Funds appropriated in the Reserve for Voter Registration in this act shall be administered by the State Board of Elections, in collaboration with the Office of State Budget and Management and the State Data Center, through a one–time Grant–in–Aid program to counties. For the purposes of implementing this grant program, the State Board of Elections is designated the lead agency. Every county board of elections in North Carolina shall be eligible for a Grant–In–Aid from that reserve for voter registration activity.

(b) Counties may use grant funds to offset costs associated with compliance with Article 7A of Chapter 160A of the General Statutes as enacted by Chapter 762 of the 1993 Session Laws, or with P.L. 103–31 (The National Voter Registration Act of 1993).

(c) Subdivisions of State agencies are not eligible for these grants–in–aid. A county may, however, make grant funds received under this section available to voter

registration agencies under G.S. 163–82.20(a)(1) or G.S. 163–82.20(a)(2), as enacted by Chapter 762 of the 1993 Session Laws, serving that county. Upon request of affected State agencies, the State Budget Officer shall conduct a workload analysis of an agency's voter registration activity related to compliance with Article 7A of Chapter 163 of the General Statutes as enacted by Chapter 762 of the 1993 Session Laws, or compliance with P.L. 103–31, and shall report the results of that study to the Director of the Budget, the appropriate Subcommittees of the House of Representatives Appropriations Committee and the Senate Appropriations Committee, and the Fiscal Research Division of the General Assembly by April 1, 1995.

(d) The State Board of Elections, together with the Office of State Budget and Management, and the State Data Center in the Office of Policy and Planning in The Office of the Governor shall develop and issue rules related to a grant process for grant applications and grant awards to counties. The rules shall be developed and issued no later than September 15, 1994. County Grants–in–Aid to boards of county commissioners shall be awarded no later than October 31, 1994.

(e) Criteria for the amount of grant awards shall include county population, the unregistered, eligible, voting–age population, current registration activity, and a brief implementation plan, reported by the county in the grant application. No county grant shall be less than five thousand dollars ($5,000) nor more than twenty–five thousand dollars ($25,000).

(f) The State Board of Elections shall be responsible for certifying as to the accuracy of actual bona fide voter registrations reported in each county application. Upon written notification from the State Board of Elections, the Office of State Budget and Management shall issue the grant award to the county.

## PART 17. COLLEGES AND UNIVERSITIES

Requested by: Senator Ward,
Representatives Black, Rogers

### AID TO STUDENTS ATTENDING PRIVATE COLLEGES/ PROCEDURE

Sec. 17. Subsections (a) and (b) of Section 80 of Chapter 321 of the 1993 Session Laws read as rewritten:

"Sec. 80. (a) Funds appropriated in this act to the Board of Governors of The University of North Carolina for aid to private colleges shall be disbursed in accordance with the provisions of G.S. 116–19, G.S. 116–21, and G.S. 116–22. These funds shall provide up to ~~four hundred fifty dollars ($450.00)~~ five hundred fifty dollars ($550.00) per full–time equivalent North Carolina undergraduate student enrolled at a private institution as of October 1 of each fiscal year.

These funds shall be placed in a separate, identifiable account in each eligible institution's budget or chart of accounts. All funds in this account shall be provided as scholarship funds for needy North Carolina students during the fiscal year. Each student awarded a scholarship from this account shall be notified of the source of the funds and of the amount of the award. Funds not utilized under G.S. 116–19 shall be made available for the tuition grant program as defined in subsection (b) of this section.

(b) In addition to any funds appropriated pursuant to G.S. 116–19, and in addition to all other financial assistance made available to private educational institutions located within the State, or to students attending these institutions, there is granted to each full–time North Carolina undergraduate student attending an approved institution as defined in G.S. 116–22, a sum not to exceed ~~one thousand one hundred fifty dollars~~

~~($1,150)~~ one thousand two hundred fifty dollars ($1,250) per academic year, which shall be distributed to the student as hereinafter provided.

The tuition grants provided for in this section shall be administered by the State Education Assistance Authority pursuant to rules adopted by the State Education Assistance Authority not inconsistent with this section. The State Education Assistance Authority shall not approve any grant until it receives proper certification from an approved institution that the student applying for the grant is an eligible student. Upon receipt of the certification, the State Education Assistance Authority shall remit, at such times as it shall prescribe, the grant to the approved institution on behalf and to the credit of the student.

In the event a student on whose behalf a grant has been paid is not enrolled and carrying a minimum academic load as of October 1 of the first academic term or on the tenth classroom day following the beginning of the second school term for which the grant was paid, the institution shall refund the full amount of the grant to the State Education Assistance Authority. Each approved institution shall be subject to examination by the State Auditor for the purpose of determining whether the institution has properly certified eligibility and enrollment of students and credited grants paid on the behalf of the students.

In the event there are not sufficient funds to provide each eligible student with a full grant:

(1) The Board of Governors of The University of North Carolina, with the approval of the Office of State Budget and Management, may transfer available funds to meet the needs of the programs provided by subsections (a) and (b) of this section; and

(2) Each eligible student shall receive a pro rata share of funds then available for the remainder of the academic year within the fiscal period covered by the current appropriation.

Any remaining funds shall revert to the General Fund."

Requested by: Senator Ward,
Representatives Black, Rogers

**AGRICULTURAL PROGRAMS**

Sec. 17.1. Of the funds appropriated in this act to the Board of Governors of The University of North Carolina, four hundred fifty thousand dollars ($450,000) shall be allocated for matching federal funds and enhancement of the agricultural research and extension programs at North Carolina Agricultural and Technical State University.

North Carolina Agricultural and Technical State University and North Carolina State University shall establish a joint committee to coordinate the efforts of the two campuses in agricultural research and extension and to avoid duplication of efforts.

Requested by: Senator Daniel,
Representatives Black, Rogers, Fussell

**NURSE ANESTHETIST TRAINING FUNDS**

Sec. 17.2. Section 98 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 98. Of the funds appropriated to the Board of Governors of The University of North Carolina in this act, the sum of fifty thousand dollars ($50,000) for the 1993–94 fiscal year and the sum of fifty thousand dollars ($50,000) for the 1994–95 fiscal year shall be used for the Area Health Education Center program to contract with the Raleigh School of Nurse Anesthesia for training of certified, registered nurse anesthetists."

Requested by: Senators Ward, Perdue,
Representatives Sutton, Black, Rogers, Barnes

**INCENTIVE SCHOLARSHIP PROGRAM FOR NATIVE AMERICANS**

Sec. 17.3. (a) The Board of Governors of The University of North Carolina shall establish the Incentive Scholarship Program for Native Americans to provide opportunities for Native Americans who are residents of North Carolina to attend constituent institutions of The University of North Carolina under rules adopted by the Board of Governors. Scholarships awarded under the program shall carry a maximum value of three thousand dollars ($3,000) per recipient per academic year, reduced by any amount of need–based aid that the recipient may receive from Pell Grants, North Carolina Student Incentive Grants, Supplemental Educational Opportunity Grants, or the American Indian Student Legislative Grant Program. To be eligible for such a scholarship, a student shall be a Native American, defined as an individual who maintains cultural identification as a Native American through membership in an Indian tribe recognized by the United States or by the State of North Carolina or through other tribal affiliation or community recognition.

(b) The Board of Governors of The University of North Carolina shall provide for the orderly transition of the American Indian Legislative Scholarship Program into the Incentive Scholarship Program for Native Americans, incorporating the purposes of both programs into a single administrative entity.

(c) Of the funds appropriated to the Board of Governors of The University of North Carolina for the 1994–95 fiscal year in this act, three hundred ninety thousand dollars ($390,000) shall be used to underwrite the cost of awarding scholarships for the benefit of students enrolled in the 1994–95 academic year.

Requested by: Senators Ward, Perdue,
Representatives Black, Rogers, Barnes

**MINORITY PRESENCE GRANTS ELIGIBILITY**

Sec. 17.3A. The Board of Governors of The University of North Carolina shall adopt policies that broaden the number of underrepresented groups eligible for Minority Presence Grants at each of the constituent institutions. Of the funds appropriated to the Board of Governors in this act, the sum of one hundred fifty thousand dollars ($150,000) for the 1994–95 fiscal year shall be used for this purpose.

Requested by: Senators Ward, Perdue

**AGRICULTURAL AND AQUACULTURAL EXPORT MARKET DEVELOPMENT FUNDS**

Sec. 17.4. Of the funds appropriated in this act for enhancement of agricultural programs at North Carolina State University, seven hundred twenty thousand dollars ($720,000) shall be used to further develop Cunningham Farm for enhancement of export market potential for agricultural and aquacultural products.

Requested by: Senator Ward

**UNC–CH SMITH CENTER FUNDS**

Sec. 17.5. Of the funds appropriated in this act to the University of North Carolina at Chapel Hill, the sum of four hundred thousand dollars ($400,000) is included from nonrecurring funds to offset operating losses at the Smith Center. The University of North Carolina shall include these funds in its 1995–97 continuation budget request. The General Assembly recommends that the Director of the Budget include these funds in the 1995–97 budget recommended to the 1995 General Assembly.

Requested by: Senators Ward, Perdue, Lee,
Representatives Black, Rogers, Barnes

**UNIVERSITY OF NORTH CAROLINA MANAGEMENT FLEXIBILITY**

Sec. 17.6. (a) Part 2A of Chapter 116 of the General Statutes is amended by adding a new section to read:

"§ 116-30.6. Reports of results.

The Board of Governors shall report annually by March 31 of each year on its decisions and directives implementing this Part to the Joint Legislative Education Oversight Committee. In particular, the Board shall report on the impact on undergraduate student learning and development as demonstrated by the standard assessment measures established in the institutional effectiveness plans, fiscal savings, management initiatives, increased efficiency and effectiveness, and other outcomes made possible by the flexibility provided by this Part to the special responsibility constituent institutions. These reports shall include documentation of any reallocation of resources, the use of nonreverted appropriations, and any additional costs incurred."

(b) G.S. 143-53.1 reads as rewritten:

"**§ 143-53.1. Setting of benchmarks; increase by Secretary.**

On and after July 1, 1990, the expenditure benchmark prescribed by G.S. 143-52 with respect to competitive bid procedures and the bid value benchmark authorized by G.S. 143-53(2) with respect to rule making by the Secretary of Administration for competitive bidding shall be ten thousand dollars ($10,000); provided, the Secretary of Administration may, in his discretion, increase the benchmarks effective as of the beginning of any fiscal biennium of the State commencing after June 30, 1992, in an amount whose increase, expressed as a percentage, does not exceed the rise in the Consumer Price Index during the fiscal biennium next preceding the effective date of the benchmark increase. For a special responsibility constituent institution of The University of North Carolina, the benchmark prescribed in this section shall be ~~twenty-five thousand dollars ($25,000) on and after July 1, 1991.~~ thirty-five thousand dollars ($35,000)."

(c) G.S. 116-30.2 reads as rewritten:

"**§ 116-30.2. Appropriations to special responsibility constituent institutions.**

All General Fund appropriations made by the General Assembly for continuing operations of a special responsibility constituent institution of The University of North Carolina shall be made in the form of a single sum to each budget code of the institution for each year of the fiscal period for which the appropriations are being made. Notwithstanding G.S. 143-23(a1), G.S. 143-23(a2), and G.S. 143-23(a3), each special responsibility constituent institution may expend the General Fund monies so appropriated to it in the manner deemed by the Chancellor to be calculated to maintain and advance the programs and services of the institutions, consistent with the directives and policies of the Board of Governors. The preparation, presentation, and review of General Fund budget requests of special responsibility constituent institutions shall be conducted in the same manner as are requests of other constituent institutions. The quarterly allotment procedure established pursuant to G.S.143-17 shall apply to the General Fund appropriations made for the current operations of each special responsibility constituent institution. All General Fund monies so appropriated to each special responsibility constituent institution shall be recorded, reported, and audited in the same manner as are General Fund appropriations to other constituent institutions."

(d) The Director of the Budget shall adjust each special responsibility constituent institution's historic reversion percentage established pursuant to G.S. 116–30.3 for the 1994–95 fiscal year to account for fifty percent (50%) of the funds reduced as part of the overall ten million dollar ($10,000,000) reduction in vacant positions in this act.

(e) This subsection and subsection (c) of this section are effective upon ratification. Subsections (a) and (b) of this section become effective July 1, 1994.

Requested by: Senators Ward, Perdue,
Representatives Black, Rogers, Barnes, Redwine

**SEA GRANT COLLEGE PROGRAM FOR FISHERIES OCEANOGRAPHY STUDY**

Sec. 17.7. (a) Of the funds appropriated in this act to the Board of Governors of The University of North Carolina, the sum of two hundred twenty–five thousand dollars ($225,000) for the 1994–95 fiscal year shall be used for the North Carolina Sea Grant College Program to study the fisheries resource and management structure. These funds may be used for personnel, administrative, and consulting costs.

(b) Section 6 of Chapter 576 of the 1993 Session Laws, as amended, reads as rewritten:

"Sec. 6. Nothing herein contained shall be construed to obligate the General Assembly to appropriate funds to implement the provisions of this act. If funds are not appropriated for the 1994–95 fiscal year to implement the provisions of Sections 3, 4, or 5 of this act, Sections 3, 4, or 5 shall not become effective. The suspension of the sale of licenses subject to the moratorium in Section 3 of Chapter 576 of this act by the Division of Marine Fisheries beginning on July 1, 1994, is retroactively authorized. License applications which were received but not processed during the suspension shall be determined in accordance with the provisions of Section 3 of this act if the funds are appropriated for the 1994–95 fiscal year to implement Section 3 of this act. If no funds are appropriated for the 1994–95 fiscal year to implement Section 3 of this act, then Section 3 of this act shall not become effective and license applications received but not processed during the suspension shall be determined in accordance with the provisions of Article 14 of Chapter 113 of the General Statutes."

Requested by: Representatives Black, Rogers, Nesbitt, Barnes,
Senators Daniel, Ward, Perdue

**NCSU COMPETITIVE INDUSTRIES/FUNDS**

Sec. 17.8. (a) Of the funds appropriated to the Board of Governors of The University of North Carolina in Section 3 of this act, the sum of one million three hundred sixty thousand dollars ($1,360,000) shall be allocated to North Carolina State University at Raleigh to enhance efforts to assure the competitiveness of several traditional industries. The funds shall be allocated to provide:

(1) $200,000 to transfer the Agricultural Education Program to the College of Agriculture and Life Sciences;
(2) $500,000 for extension, research, and support of the furniture industry;
(3) $360,000 for enhancement of pulp and paper technology efforts; and
(4) $300,000 for the Nonwovens Cooperative Research Center.

(b) Effective July 1, 1994, Section 81 of Chapter 321 of the 1993 Session Laws is repealed.

Requested by: Representatives Black, Rogers, Barnes,
Senators Ward, Perdue

**TEACHING IMPROVEMENT FUNDS**

Sec. 17.9. (a) Of the funds appropriated to the Board of Governors of The University of North Carolina in this act for the schedule of priorities, three million six hundred sixty thousand seven hundred dollars ($3,660,700) shall be used for the 1994–95 fiscal year to reduce the average student–faculty ratio at all constituent institutions of The University of North Carolina to no more than 16 to 1 beginning with the 1994–95 academic year.

(b) The Board of Governors of The University of North Carolina shall adopt the rules necessary to implement this section.

Requested by: Representatives Black, Rogers, Oldham,
Senators Ward, Perdue

**UNC TUITION SURCHARGE EXCEPTION**

Sec. 17.10. Subsection (b) of Section 89 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(b) The Board of Governors of The University of North Carolina shall ensure that procedures are established that are necessary to impose a twenty–five percent (25%) tuition surcharge on students who take more than 140 degree credit hours to complete a baccalaureate degree in a four–year program or more than one hundred ten percent (110%) of the credit hours necessary to complete a baccalaureate degree in any program officially designated by the Board of Governors as a five–year program. The calculation of these credit hours taken at a constituent institution or accepted for transfer shall exclude hours earned through the College Board's Advanced Placement or CLEP examinations, through institutional advanced placement or course validation, or through summer term or extension programs. No surcharge shall be imposed on any student who exceeds the degree credit hour limits within the equivalent of four academic years of regular term enrollment, or within five academic years of regular term enrollment in a degree program officially designated by the Board of Governors as a five–year program. The Board shall report to the Joint Legislative Education Oversight Committee by April 1, 1994, on its recommendations for implementing this surcharge."

Requested by: Representatives Black, Rogers, Nesbitt, Barnes,
Senators Ward, Perdue

**NURSING SCHOLARS PROGRAM**

Sec. 17.11. (a) G.S. 90–171.61(b) reads as rewritten:

"(b) The Nursing Scholars Program shall be used to provide the following:

(1) A four–year scholarship loan in the amount of five thousand dollars ($5,000) per year, per recipient, to North Carolina high school seniors or other persons interested in preparing to become a registered nurse through a baccalaureate degree program.

(2) A two–year scholarship loan in the amount of three thousand dollars ($3,000) per year, per recipient, to persons interested in preparing to be a registered nurse through an associate degree nursing program or a diploma nursing program.

(3) A two–year scholarship loan in the amount of three thousand dollars ($3,000) per year, per recipient, for two years of baccalaureate nursing study for college juniors or community college graduates interested in preparing to be a registered nurse.

(4) A two–year scholarship loan of three thousand dollars ($3,000) per year, per recipient, for two years of baccalaureate study in nursing for registered nurses who do not hold a baccalaureate degree in nursing.

(5) A two–year scholarship loan of six thousand dollars ($6,000) per year, per recipient, for two years of study leading to a master of science in nursing degree for people already holding a baccalaureate degree in nursing.

In addition to the scholarship loans awarded pursuant to subdivisions (1) through (5) of this subsection, the Commission may award pro rata scholarship loans to recipients enrolled at least half–time in study leading to a master of science in nursing degree who already hold a baccalaureate degree in nursing. In awarding all scholarship loans, the Commission shall give priority to full–time students over part–time students. The State Education Assistance Authority shall adopt specific rules to regulate scholarship loans to part–time master of science in nursing students.

Within current funds available or with any additional funds provided by the General Assembly for this purpose, the Commission may set aside slots for scholarship loans prescribed by subdivisions (1) and (2) of this subsection to enable licensed practical nurses to become registered nurses. The State Education Assistance Authority shall adopt specific rules to regulate these scholarship loans."

(b) G.S. 90–171.62(b) reads as rewritten:

"(b) The State Education Assistance Authority shall forgive the loan if, within seven years after graduation from a nursing education program, the recipient practices nursing in North Carolina for one year for every year a scholarship loan was provided. If the recipient repays the scholarship loan by cash payments, all indebtedness shall be repaid within ten years. The Authority may provide for accelerated repayment and for less than full–time employment options to encourage the practice of nursing in either geographic or nursing specialty shortage areas. The Authority shall adopt specific rules to designate these geographic areas and these nursing specialty shortage areas, upon recommendations of the North Carolina Center for Nursing. The North Carolina Center for Nursing shall base its recommendations on objective information provided by interested groups or agencies and upon objective information collected by the Center. The Authority may forgive the scholarship loan if it determines that it is impossible for the recipient to practice nursing in North Carolina for a sufficient time to repay the loan because of the death or permanent disability of the recipient within ten years following graduation or termination of enrollment in a nursing education program."

(c) Of the funds appropriated to the Board of Governors of The University of North Carolina for the 1994–95 fiscal year in this act, twenty–four thousand dollars ($24,000) shall be used to fund a secretary position to administer the selection and origination functions for the Nursing Scholars Program and the Nurse Education Scholarship Loan Program.

Requested by: Representatives Black, Rogers, James, Barnes, Senators Ward, Perdue

**SOIL SCIENCE FACULTY POSITION**

Sec. 17.12. Of the funds appropriated to the Board of Governors of The University of North Carolina for agricultural programs for the 1994–95 fiscal year in this act, one hundred thousand dollars ($100,000) shall be allocated to fund a new faculty position in soil science for the College of Agriculture and Life Sciences at North Carolina State University. The position shall be located at the Tidewater Research and Extension Center at Plymouth, North Carolina.

Requested by: Representatives Black, Rogers, Nesbitt, Diamont, Barnes, Thompson

**MOUNTAIN CONIFER FUNDS**

Sec. 17.13. (a) The General Assembly finds that the growth of conifers for the Christmas tree industry is a major industry in Western North Carolina and that the sale of Christmas trees grown in Western North Carolina contributes seventy million dollars ($70,000,000) annually to the region's economy.

(b) Of the funds appropriated in this act to the Board of Governors of The University of North Carolina for the 1994–95 fiscal year, the sum of seventy thousand dollars ($70,000) shall be used for the Cooperative Extension Service at North Carolina State University to establish an area extension specialist position located at the Mountain Horticultural Crops Research Station at Fletcher. This position shall provide support to North Carolina's mountain conifer and Christmas tree industries. The Cooperative Extension Service at North Carolina State University shall consult with representative groups of Christmas tree growers in all regions in developing guidelines for this position and in filling the position.

Requested by: Representatives Warner, Black, Rogers, Diamont, Nesbitt

**UNC/LEGISLATIVE COLLEGE OPPORTUNITY ACT PILOT PROGRAM**

Sec. 17.14. Of the funds appropriated to the Board of Governors of The University of North Carolina in this act, eight hundred thousand dollars ($800,000) shall be allocated equally among the 16 constituent institutions. The funds shall not revert and shall be placed in trust fund accounts, with the investment earnings to be used for this program as well.

The funds shall be used to establish a pilot Legislative College Opportunity Program to recruit new students to enroll in college in future years who might not be able to attend college without incentives. The program shall be based on guidelines and rules established by the Board of Governors. The Board shall consider the needs of socially and economically disadvantaged youth in developing the pilot program with a primary goal of improving the academic performance, high school graduation rates, college going rates, and college graduation rates of youth currently underperforming in these measures. The Board shall develop the pilot program so that it provides incentives for and removes financial barriers to college attendance. The Board shall consider various academic standards and financial need in establishing the program, and the funds shall be used to pay for some portion of college attendance costs.

The Board shall establish the program guidelines and charge the campuses with implementing the pilot program by January 31, 1995. The Board shall report on the guidelines, program design and progress in implementation to the Joint Legislative Education Oversight Committee by May 15, 1995, with copies to members of the House and Senate Appropriations Subcommittees on Education. The Board shall monitor the success of the pilot program in attracting students who otherwise might not have enrolled in higher education, and shall monitor the progress of these students, with annual reports to the Joint Legislative Education Oversight Committee by May 15, 1996 and each succeeding year through 2001.

Requested by: Representatives Nesbitt, Diamont, Black, Rogers,
Senators Ward, Perdue

**CAMPUS STORES OPEN TO STUDENTS AT ALL CAMPUSES**

Sec. 17.15. G.S. 66–58(c)(3) reads as rewritten:

"(3) The business operation of endowment funds established for the purpose of producing income for educational purposes; for purposes of this section,

the phrase "operation of endowment funds" shall include the operation by public postsecondary educational institutions of campus stores, the profits from which are used exclusively for awarding scholarships to defray the expenses of students attending the institution; provided, that the operation of such stores must be approved by the board of trustees of the institution, and the merchandise sold shall be limited to educational materials and supplies, gift items and miscellaneous personal–use articles. Provided further that sales at campus stores are limited to employees of the institution and members of their immediate families, to duly enrolled students of the campus at which a campus store is located and their immediate families, to duly enrolled students of other campuses of The University of North Carolina other than the campus at which the campus store is located, to other campus stores and to other persons who are on campus other than for the purpose of purchasing merchandise from campus stores. It is the intent of this subdivision that campus stores be established and operated for the purpose of assuring the availability of merchandise described in this Article for sale to persons enumerated herein and not for the purpose of competing with stores operated in the communities surrounding the campuses of the University of North Carolina."

Requested by: Representatives Baddour, Black, Rogers, Barnes,
Senators Ward, Perdue

**SOCIAL WORKERS' EDUCATION LOAN FUND**

Sec. 17.16. Effective July 1, 1994, Article 23 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"**§ 116–209.30. Social Workers' Education Loan Fund.**

(a) There is established the Social Workers' Education Loan Fund to be administered by the State Education Assistance Authority, in consultation with the Department of Human Resources, to attract trained social workers into public child welfare positions in all county departments of social services in the State. The Fund shall provide 25 four–year undergraduate and 10 two–year graduate scholarship loans per year.

(b) The Authority, in consultation with the Department of Human Resources, shall develop the following criteria to administer the Fund:

(1) All students shall be enrolled in an institution of higher education in North Carolina in an accredited bachelors of social work or masters of social work program;

(2) All students shall be residents of North Carolina. For purposes of this section, residency shall be determined by the same standard as residency for tuition purposes pursuant to G.S. 116–143.1;

(3) All students shall enter into a legal agreement and promissory note with the Authority to accept employment in public child welfare in exchange for receiving any funds, which agreement shall include stipulation that the student agrees to accept employment in rural or other need–based counties; and

(4) Any additional criteria that the Authority considers necessary to administer the program effectively, including:

a. Consideration of the appropriate numbers of minority students and students from diverse socio–economic backgrounds to receive funds pursuant to this section;

b. Consideration of what rural or other need–based areas of the State shall be considered appropriate for work after graduation pursuant to subdivision (3) of this subsection;

c. Consideration of the academic qualifications of the individuals applying to receive funds; and

d. Consideration of the commitment the individuals applying to receive funds demonstrate to the profession of social work.

(c) The Authority shall ensure that the loan amounts are limited as follows:

(1) For a student pursuing a bachelors of social work degree, four thousand dollars ($4,000) per year for a maximum of four years; and

(2) For a student pursuing a masters of social work degree, five thousand dollars ($5,000) per year for a maximum of two years.

(d) The Authority shall ensure that the following loan cancellations and repayment schedules apply to all funds distributed pursuant to this section:

(1) The individual who graduates with a bachelors of social work degree or a masters of social work degree and who works for a public child welfare agency in a rural or other need–based area of North Carolina shall have that amount of the loan cancelled that is based on the amount of time employed and the number of academic years funds were received. One full year of employment shall cancel one academic year's loan, whether four thousand dollars ($4,000) or five thousand dollars ($5,000);

(2) The individual who graduates with a bachelors of social work degree or a masters of social work degree and who works in public child welfare in a rural or other need–based area of North Carolina for the equivalent of the total number of academic years funds were received shall have the entire loan cancelled;

(3) The individual who graduates with a bachelors of social work degree or a masters of social work degree and who does not work in public child welfare in a rural or other need–based area of North Carolina for any or all of the equivalent of the number of years funds were received shall repay the loan to the Authority according to a schedule prescribed in the promissory note, plus ten percent (10%) annual interest; and

(4) The individual who does not graduate with a bachelors of social work degree or a masters of social work degree shall repay the loan according to a schedule prescribed by the Authority, not to exceed fifteen percent (15%) annual interest. In establishing a schedule and interest rate, the Authority shall take into consideration the reasons the individual did not graduate with a bachelors of social work degree or a masters of social work degree.

The Authority shall ensure that all repayments, including accrued interest, shall be placed in the Fund.

The Authority may forgive or reduce any loan repayment if the Authority considers that extenuating circumstances exist that would make repayment impossible.

(e) The State Education Assistance Authority, in consultation with the Department of Human Resources, shall adopt rules to implement the Social Workers' Education Loan Fund as described in this section."

Requested by: Representatives Diamont, Wilmoth, Cromer

**ASU CONVOCATION CENTER**

Sec. 17.17. Of the funds appropriated in this act for the construction of the Convocation Center at Appalachian State University, up to three million five hundred

thousand dollars ($3,500,000) may be used to begin planning, design, and site–development for the Convocation Center project during the 1994–95 fiscal year.

Requested by: Senators Daniel, Kaplan

**NORTH CAROLINA SCHOOL OF THE ARTS FILM SCHOOL**

Sec. 17.18. The one million eight hundred thousand dollars ($1,800,000) in non–recurring funds appropriated to the North Carolina School of the Arts for the Film School shall be used to purchase equipment and for facility and other one–time and other start–up costs for the creation of a course of study in film production technology at the Piedmont Community College Satellite in Caswell County.

**PART 18. DEPARTMENT OF COMMUNITY COLLEGES**

Requested by: Senators Ward, Perdue,
Representatives Black, Rogers

**PROGRAM REGIONALISM**

Sec. 18. The State Board of Community Colleges shall require that all new programs it approves be developed using a regional approach unless there are extreme extenuating circumstances documented by the college detailing reasons a regional program is not feasible. The college shall demonstrate that it has attempted to develop a regional program and explain what barriers were in existence.

It is the intent of the General Assembly to increase the number of regional program offerings in community colleges and to eliminate as much duplication of programs by colleges that are within reasonably close proximity to each other. The General Assembly urges the State Board's Government Performance Audit Committee (GPAC) Task Force on Regionalism to provide more substantive recommendations on how existing as well as new programs can be offered regionally as recommended by the GPAC in its next report due in January 1995.

The Department of Community Colleges shall report quarterly to the Joint Legislative Education Oversight Committee on the progress made on regional programs. The report shall list all programs approved by the State Board that are not regional and the reasons for their approval.

Requested by: Senator Ward,
Representatives Black, Rogers

**CONTINUING BUDGET CONCEPT**

Sec. 18.1. The State Board of Community Colleges shall implement the new continuing budget concept presented to the House and Senate Appropriations Sub-committees during the 1994 Regular Session of the 1993 General Assembly for the 1995–97 biennium and in subsequent years. In order to ensure more stability in funding, community colleges that experience a decline in enrollment shall not receive a decrease in full–time equivalent student (FTE) enrollment funds until their enrollment declines more than four percent (4%). At that time, they shall experience a decline of only the amount over four percent (4%). Community colleges that experience an increase in enrollment shall not experience an increase in full–time equivalent student (FTE) enrollment funds until their enrollment increases more than four percent (4%). At that time, they shall experience an increase of only the amount over four percent (4%).

It is the intent of this section to implement the recommendation of the Government Performance Audit Committee regarding changing the community college funding formula to one that is a combination of a base funding source with an FTE component.

In addition, the State Board of Community Colleges shall develop a program–based FTE cost model that will fund future FTEs in excess of the four percent (4%) growth on the basis of actual program cost as opposed to an overall average FTE cost. This plan shall be reported to the 1995 General Assembly.

Requested by: Senator Ward,
Representatives Black, Rogers

**STATE BOARD RESERVE FUNDS**

Sec. 18.2. Of the funds appropriated to the Department of Community Colleges in Chapter 321 of the 1993 Session Laws for the State Board Reserve, forty–six thousand dollars ($46,000) shall be allocated to fund the additional costs associated with the automated central cataloging of library books.

Notwithstanding G.S. 143–16.3, the State Board may use up to three hundred thousand dollars ($300,000) from the State Board Reserve to fund the community colleges leadership development programs that were a part of the State Board's budget request to the 1994 Regular Session of the 1993 General Assembly.

Requested by: Senators Ward, Perdue,
Representatives Black, Rogers, Barnes

**PRISON CLASSES**

Sec. 18.4. G.S. 115D–5 is amended by adding a new subsection to read:

"(c1) Community colleges shall report full–time equivalent (FTE) student hours for correction education programs on the basis of contact hours rather than student membership hours. No community college shall operate a multi–entry/multi–exit class or program in a prison facility.

The State Board shall work with the Department of Correction on offering classes and programs that match the average length of stay of an inmate in a prison facility."

Requested by: Representatives Diamont, Black, Rogers,
Senators Ward, Perdue

**COMMUNITY COLLEGES BEHIND WALLS**

Sec. 18.5. The State Board of Community Colleges shall develop a plan to establish "Community Colleges Behind Walls" to train and educate prison inmates better. The State Board shall present the plan to the 1995 General Assembly prior to February 1, 1995.

Requested by: Representatives Nesbitt, Black, Rogers,
Senators Ward, Perdue

**COMPETITIVE SALARY LEVELS FOR CURRICULUM FACULTY**

Sec. 18.6. (a) Funds appropriated in this act for competitive salary levels for community college curriculum faculty shall be used to provide an average additional salary increase to full–time curriculum faculty to enable the community colleges to retain a core of outstanding faculty at competitive salary levels. The State Board of Community Colleges shall not use these funds to change the faculty/student ratio in the funding formula for community colleges. The State Board shall use the competitive salary funds, along with the funds appropriated in this act for a 4% across–the–board salary increase for curriculum faculty, to increase the unit value for curriculum faculty in the community college allotment formula by 8%. The curriculum faculty salary unit value shall be $37,000 for 1994–95, which is approximately 8% above the 1993–94 unit value.

The State Board of Community Colleges shall develop policies for the use of these funds that shall provide as near as practical for a system–wide community college

curriculum faculty salary of 102% of the curriculum faculty salary unit value in the 1994–95 allotment formula.

Unless the average salary for full–time curriculum faculty at a college is at or above the 1994–95 unit value for curriculum faculty, the community college shall increase the average salary of full–time curriculum faculty members by at least 8% for the 1994–95 fiscal year. A community college shall not use curriculum faculty salary funds for administrative costs unless the average full–time curriculum faculty salary at the college is at or above the 1994–95 unit value for curriculum faculty.

(b) The State Board of Community Colleges shall submit to the General Assembly copies of the salary schedules applicable to community college faculty at each community college.

Requested by: Representatives Baddour, Black, Rogers,
Senators Ward, Perdue

**ESTABLISH GRANTS FOR VISITING ARTISTS' PROGRAM**

Sec. 18.7. (a) Of the funds appropriated in Chapter 321 of the 1993 Session Laws to the Department of Community Colleges for the Community Services Block Grant Program for the 1994–95 fiscal year, five percent (5%) of those funds, which is the sum of ninety–five thousand eight hundred twenty dollars ($95,820), shall be allocated to the Visiting Artists' Program. These funds shall be used as grants–in–aid to community colleges on a competitive basis in accordance with administrative guidelines approved by the State Board of Community Colleges. The purpose of the grants shall be to support and promote through the use of grants–in–aid, the Visiting Artists' Program, which is administered by the State Board of Community Colleges in cooperation with the North Carolina Arts Council. In addition the Department of Community Colleges may use their Community Services Block Grant funds to supplement the Visiting Artists' Program or other arts programs at the discretion of their local boards of community colleges.

(b) It is the intent of the General Assembly to preserve the Visiting Artists' Program in the Department of Community Colleges. The Department of Community Colleges shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division regarding its progress in making grants to community colleges for the Visiting Artists' Program.

**PART 19. PUBLIC SCHOOLS**

Requested by: Senators Ward, Perdue, Lee, Winner of Mecklenburg, Smith, Warren,
Representatives Gray, Rogers, Black

**NONCERTIFIED SCHOOL EMPLOYEE SALARIES**

Sec. 19. (a) G.S. 115C–12(16) reads as rewritten:

"(16) Power with Regard to Salary Schedules. —

a. Support personnel refers to all public school employees who are not required by statute or regulation to be certified in order to be employed. The State Board of Education is authorized and empowered to adopt all necessary rules for full implementation of all schedules to the extent that State funds are made available for support personnel.

b. Salary schedules for the following public school support personnel shall be adopted by the State Board of Education: school finance officer, office support personnel, ~~property and cost clerks,~~ teacher assistants, maintenance supervisors, custodial personnel, and transportation personnel. The Board shall classify these support

positions in terms of uniform pay grades included in the salary schedule of the State Personnel Commission.

~~Prior to~~ By the end of the third payroll period of the 1995–96 ~~school~~ fiscal year, local boards of education shall place State–allotted office support personnel, teacher assistants, and custodial personnel on the salary schedule adopted by the State Board of Education so that the average salary paid is the State–allotted amount for the category. In placing employees on the salary schedule, the local board shall consider the education, training, and experience of each employee. It is the intent of the General Assembly that a local school administrative unit not fail to employ an employee who was employed for the prior school year in order to implement the provisions of this sub–subdivision. A local board of education is in compliance with this sub–subdivision if the average salary paid is at least ninety–five percent (95%) of the State–allotted amount for the category at the end of the third payroll period of the 1995–96 fiscal year, and at least ninety–eight percent (98%) of the State–allotted amount for the category at the end of the third payroll period of each subsequent fiscal year. The Department of Public Instruction shall provide technical assistance to local school administrative units regarding the implementation of this sub–subdivision.

~~The average salary paid to employees in each category from State–allotted funds for the 1993–94 school year shall be at least two percent (2%) higher than the average salary paid to employees in that category from State–allotted funds for the 1992–93 school year.~~

The State Board of Education shall report to the General Assembly, prior to ~~March 31, 1994, and~~ March 31, 1995, and March 31, 1996, on the implementation of this sub–subdivision.

c. Salary schedules for other support personnel, including but not limited to maintenance and school food service personnel, shall be adopted by the State Board of Education. The Board shall classify these support positions in terms of uniform pay grades included in the salary schedule of the State Personnel Commission. These schedules shall apply if the local board of education does not adopt a salary schedule of its own for personnel paid from other than State appropriations."

(b) Beginning with the 1994–95 fiscal year, the State Board of Education shall allot salary funds for State–allotted school custodian positions on the basis of one thousand two hundred nine dollars ($1,209) a month for each position plus any salary increment authorized for school custodians by the General Assembly.

Requested by: Senator Ward,
Representatives Rogers, Black

**TRANSPORTATION INFORMATION MANAGEMENT SYSTEM FUNDS**

Sec. 19.1. Of the funds appropriated to Aid to Local School Administrative Units for school transportation in this act, the sum of five hundred ten thousand dollars ($510,000) for the 1994–95 fiscal year shall be used for the continuation of the Transportation Information Management System. These funds shall be used for equipment, equipment maintenance, and contractual services to operate the program.

It is the intent of the General Assembly to include these funds in the continuation budget for the 1995–97 fiscal biennium.

Requested by: Senator Ward,
Representatives Rogers, Black

**OUTCOME–BASED EDUCATION FUNDS**

Sec. 19.2. Of the funds appropriated for the Outcome–Based Education Program in this act, the sum of one hundred thousand dollars ($100,000) shall be used by the Department of Public Instruction to provide technical assistance, evaluate programs, refine proficiencies and outcomes, and otherwise implement the program.

Requested by: Senator Ward,
Representatives Black, Rogers

**DEVELOPMENTAL DAY CENTERS' GRANT–IN–AID**

Sec. 19.3. Section 216 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 216. Of the funds appropriated in this act to the Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, the sum of two million three hundred one thousand two hundred forty–eight dollars ($2,301,248) for the 1993–94 fiscal year and the sum of two million three hundred one thousand two hundred forty–eight dollars ($2,301,248) for the 1994–95 fiscal year are transferred to the Department of Public Instruction for handicapped children aged 3 through 4 years who have been identified through Division of Mental Health, Developmental Disabilities, and Substance Abuse Services statewide services and who are served in developmental day centers. These funds shall be used to contract with area mental health, developmental disabilities, and substance abuse authorities or with public or private nonprofit developmental day centers to continue to serve handicapped children aged 3 through 4 years who are identified as needing developmental day services.

It is the intent of the General Assembly to appropriate funds for this purpose in the continuation budget of the Department of Public Instruction for the 1995–97 fiscal biennium.

The Department of Public Instruction shall report to the General Assembly and to the Fiscal Research Division by May 1, 1994, and May 1, 1995, regarding the use of the funds transferred to it by this section."

Requested by: Senator Perdue,
Representatives Rogers, Black

**ADMINISTRATION OF THE INTERVENTION/PREVENTION GRANT PROGRAM**

Sec. 19.4. Of the funds allocated under Section 42 of Chapter 24 of the Session Laws of the 1994 Extra Session for the Intervention/Prevention Grant Program, up to two hundred thousand dollars ($200,000) may be used by the Department of Public Instruction to implement that section.

Requested by: Senators Ward, Winner of Mecklenburg,
Representatives Rogers, Black

**LIMITED ENGLISH PROFICIENCY (LEP) STUDENTS**

Sec. 19.5. (a) G.S. 115C–81(c) reads as rewritten:

"(c) Local boards of education shall provide for the efficient teaching at appropriate grade levels of all materials set forth in the standard course of study, including

integrated instruction in the areas of citizenship in the United States of America, government of the State of North Carolina, government of the United States, fire prevention, the free enterprise system, the dangers of harmful or illegal drugs, including alcohol, and cardio–pulmonary resuscitation (CPR) and the Heimlich maneuver.

~~Local~~ Except when a board authorizes teaching in a foreign language in order to comply with federal law, local boards of education shall require all teachers and principals to conduct classes except foreign language classes in English. Any teacher or principal who refuses to do so may be dismissed."

(b) The State Board of Education shall study issues concerning Limited English Proficiency (LEP) students and shall develop a resource guide for local school administrative units that illustrates how to implement quality programs for LEP students. The study shall review:

(1) Federal requirements for LEP students;
(2) The number of LEP students in the State and their geographic distribution across the State;
(3) Methods for identifying LEP students;
(4) Methods for assessing the abilities of LEP students in their home language;
(5) Criteria for entrance into and exit from LEP programs;
(6) Technical assistance needs of local school administrative units and the Department of Public Instruction;
(7) Teacher training needs for regular classroom teachers and teachers in LEP programs;
(8) Projections of the number of English as a Second Language or other LEP teachers needed in the future and the role of The University of North Carolina in meeting that need;
(9) Certification criteria for teachers of LEP students;
(10) Methods for assessing LEP children's needs for special education, including programs for academically gifted students;
(11) Methods of instruction for LEP students including English as a Second Language Programs and transitional bilingual education;
(12) Funding options for serving LEP students, including use of federal Migrant Education funds and other federal, State, and local funds for LEP students; and
(13) Programs in the State that currently serve LEP students.

The resource guide shall identify State and local funding sources for these programs, how to obtain these funds, and methods for program evaluation. The State Board shall provide a copy of the resource guide, the results of its study, and its recommendations regarding issues concerning LEP students, to the Joint Legislative Education Oversight Committee no later than December 1, 1994.

(c) If a local school administrative unit demonstrates that it has LEP students that it is unable to serve within the regular school allotments due to extraordinary circumstances, the State Board of Education may allocate funds from State Aid to Local School Administrative Units for the 1994–95 fiscal year to provide services to those students. No more than one million dollars ($1,000,000) shall be allocated pursuant to this subsection for the 1994–95 fiscal year.

Requested by: Senator Ward,
Representatives Rogers, Black

**EXCEPTIONAL CHILDREN FUNDS**

Sec. 19.5A. (a) Section 134(a) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(a) The funds appropriated for exceptional children in this act shall be allocated as follows:

(1) Each local school administrative unit shall receive for academically gifted children the sum of ~~$641.26~~ $652.17 per child for three and nine-tenths percent (3.9%) of the ~~1992-93~~ 1993-94 actual average daily membership in the local school administrative unit, regardless of the number of children identified as academically gifted in the local school administrative unit. The total number of children for which funds shall be allocated pursuant to this subdivision is ~~43,114~~ 43,739 for the ~~1993-94~~ 1994-95 school year.

(2) Each local school administrative unit shall receive for exceptional children other than academically gifted children the sum of ~~$1,923.79~~ $1,956.52 per child for the lesser of (i) all children who are identified as exceptional children other than academically gifted children or (ii) twelve and five-tenths percent (12.5)% of the ~~1992-93~~ 1993-94 actual average daily membership in the local school administrative unit. The maximum number of children for which funds shall be allocated pursuant to this subdivision is ~~125,316~~ 127,668 for the ~~1993-94~~ 1994-95 school year.

(3) Each local school administrative unit in which more than twelve and five-tenths percent (12.5%) of the ~~1992-93~~ 1993-94 actual average daily membership are identified as exceptional children other than academically gifted children shall receive $418.76 per child in excess of the twelve and five-tenths percent (12.5%). These funds shall be used only for non-recurring expenditures and other expenditures for exceptional children other than academically gifted children that do not impose future obligations on the State or local governments.

The dollar amounts allocated under subdivisions (1) and (2) of this subsection for exceptional children shall also increase in accordance with legislative salary increments for personnel who serve exceptional children."

(b) Section 134(d) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(d) The State Board of Education shall report its preliminary recommendations, including any proposals for modified laws, rules, or policies and findings under subsections (b) and (c) of this section to the Commission on Children with Special Needs and to the chairs of the appropriations committees and the appropriations subcommittees on education of the Senate and the House of Representatives by March 15, ~~1994.~~ 1994, and its final recommendations by January 1, 1995."

(c) Of the funds appropriated for increases in average daily membership for the 1994-95 fiscal year, the sum of one million two hundred twenty-nine thousand four hundred seventy-two dollars ($1,229,472) shall be used for the recurring costs of implementing subsection (a) of this section.

(d) The State Board of Education shall allocate the sum of five hundred fifty thousand dollars ($550,000) from State Aid to Local School Administrative Units for the 1994-95 fiscal year to continue support for the Advanced Placement Program in the public schools.

Requested by: Senators Daniel, Plyler, Ward, Perdue,
Representatives Rogers, Black, Barnes, Nesbitt, Diamont

**TEACHER SALARY SCHEDULES**

Sec. 19.6. (a) The Director of the Budget may transfer from the Reserve for Salary Increases for the 1994–95 fiscal year funds necessary to implement the teacher salary schedule set out in subsection (b) of this section, including funds for the employer's retirement and social security contributions and funds for annual longevity payments as provided in Section 127 of Chapter 321 of the 1993 Session Laws, commencing July 1, 1994, for all teachers whose salaries are supported from the State's General Fund. These funds shall be allocated to individuals according to rules adopted by the State Board of Education and the Superintendent of Public Instruction. The longevity payment shall be paid in a lump sum once a year.

(b)(1) Beginning July 1, 1994, the following monthly salary schedule shall apply to certified personnel of the public schools who are classified as "A" teachers. The schedule contains 30 steps with each step corresponding to one year of teaching experience.

| Years of Experience | 1994–95 Salary |
|---|---|
| 00 | $2,062 |
| 01 | 2,103 |
| 02 | 2,145 |
| 03 | 2,231 |
| 04 | 2,276 |
| 05 | 2,322 |
| 06 | 2,368 |
| 07 | 2,415 |
| 08 | 2,463 |
| 09 | 2,512 |
| 10 | 2,562 |
| 11 | 2,613 |
| 12 | 2,665 |
| 13 | 2,718 |
| 14 | 2,772 |
| 15 | 2,827 |
| 16 | 2,884 |
| 17 | 2,942 |
| 18 | 3,001 |
| 19 | 3,061 |
| 20 | 3,122 |
| 21 | 3,184 |
| 22 | 3,248 |
| 23 | 3,313 |
| 24 | 3,379 |
| 25 | 3,447 |
| 26 | 3,516 |
| 27 | 3,586 |
| 28 | 3,658 |
| 29 | 3,731 |
| 30+ | 3,731 |

(2) Beginning July 1, 1994, the following monthly salary schedule shall apply to certified personnel of the public schools who are classified as "G" teachers. The schedule contains 30 steps with each step corresponding to one year of teaching experience.

| Years of Experience | 1994–95 Salary |
|---|---|
| 00 | $2,191 |
| 01 | 2,235 |
| 02 | 2,280 |
| 03 | 2,371 |
| 04 | 2,418 |
| 05 | 2,466 |
| 06 | 2,515 |
| 07 | 2,565 |
| 08 | 2,616 |
| 09 | 2,668 |
| 10 | 2,721 |
| 11 | 2,775 |
| 12 | 2,831 |
| 13 | 2,888 |
| 14 | 2,946 |
| 15 | 3,005 |
| 16 | 3,065 |
| 17 | 3,126 |
| 18 | 3,189 |
| 19 | 3,253 |
| 20 | 3,318 |
| 21 | 3,384 |
| 22 | 3,452 |
| 23 | 3,521 |
| 24 | 3,591 |
| 25 | 3,663 |
| 26 | 3,736 |
| 27 | 3,811 |
| 28 | 3,887 |
| 29 | 3,965 |
| 30+ | 3,965 |

(3) Certified public school teachers with certification based on academic preparation at the six–year degree level and at the doctoral degree level shall receive a salary supplement as provided in Section 127 of Chapter 321 of the 1993 Session Laws.

(c) The first step of the salary schedule for school psychologists shall be equivalent to Step 5, corresponding to five years of experience, on the salary schedule established in this section for certified personnel of the public schools who are classified as "G" teachers. Certified psychologists shall be placed on the salary schedule at an appropriate step based on their years of experience. Certified psychologists shall receive longevity payments based on years of State service in the same manner as teachers.

Certified psychologists with certification based on academic preparation at the six–year degree level shall receive a salary supplement of one hundred twenty–six dollars ($126.00) per month in addition to the compensation provided for certified psychologists. Certified psychologists with certification based on academic preparation at the doctoral degree level shall receive a salary supplement of two hundred fifty–three dollars ($253.00) per month in addition to the compensation provided for certified psychologists.

Requested by: Senators Daniel, Plyler, Ward, Perdue,
Representatives Rogers, Black, Nesbitt, Diamont

**SCHOOL–BASED ADMINISTRATOR SALARIES**

Sec. 19.7. (a) Funds appropriated to the Reserve for Salary Increases shall be used to complete the implementation of a new salary schedule for school–based administrators as provided in this act. These funds shall be used for State–paid employees only.

(b) The salary schedule for school–based administrators shall apply only to principals and assistant principals. The salary schedule for the 1994–95 fiscal year is as follows:

| Step | Asst. Prin. | Prin.I | Prin.II | Prin.III | Prin.IV | Prin.V | Prin.VI | Prin.VII |
|---|---|---|---|---|---|---|---|---|
| 0 | — | — | — | — | — | — | — | — |
| 1 | — | — | — | — | — | — | — | — |
| 2 | — | — | — | — | — | — | — | — |
| 3 | — | — | — | — | — | — | — | — |
| 4 | $2,491 | — | — | — | — | — | — | — |
| 5 | 2,541 | — | — | — | — | — | — | — |
| 6 | 2,592 | — | — | — | — | — | — | — |
| 7 | 2,644 | — | — | — | — | — | — | — |
| 8 | 2,697 | $2,697 | — | — | — | — | — | — |
| 9 | 2,751 | 2,751 | — | — | — | — | — | — |
| 10 | 2,806 | 2,806 | $2,862 | — | — | — | — | — |
| 11 | 2,862 | 2,862 | 2,919 | — | — | — | — | — |
| 12 | 2,919 | 2,919 | 2,977 | $3,037 | — | — | — | — |
| 13 | 2,977 | 2,977 | 3,037 | 3,098 | $3,160 | — | — | — |
| 14 | 3,037 | 3,037 | 3,098 | 3,160 | 3,223 | $3,287 | — | — |
| 15 | 3,098 | 3,098 | 3,160 | 3,223 | 3,287 | 3,353 | — | — |
| 16 | 3,160 | 3,160 | 3,223 | 3,287 | 3,353 | 3,420 | $3,488 | — |
| 17 | 3,223 | 3,223 | 3,287 | 3,353 | 3,420 | 3,488 | 3,558 | $3,629 |
| 18 | 3,287 | 3,287 | 3,353 | 3,420 | 3,488 | 3,558 | 3,629 | 3,702 |
| 19 | 3,353 | 3,353 | 3,420 | 3,488 | 3,558 | 3,629 | 3,702 | 3,776 |
| 20 | 3,420 | 3,420 | 3,488 | 3,558 | 3,629 | 3,702 | 3,776 | 3,852 |
| 21 | 3,488 | 3,488 | 3,558 | 3,629 | 3,702 | 3,776 | 3,852 | 3,929 |
| 22 | 3,558 | 3,558 | 3,629 | 3,702 | 3,776 | 3,852 | 3,929 | 4,008 |
| 23 | 3,629 | 3,629 | 3,702 | 3,776 | 3,852 | 3,929 | 4,008 | 4,088 |
| 24 | 3,702 | 3,702 | 3,776 | 3,852 | 3,929 | 4,008 | 4,088 | 4,170 |
| 25 | 3,776 | 3,776 | 3,852 | 3,929 | 4,008 | 4,088 | 4,170 | 4,253 |
| 26 | 3,852 | 3,852 | 3,929 | 4,008 | 4,088 | 4,170 | 4,253 | 4,338 |
| 27 | 3,929 | 3,929 | 4,008 | 4,088 | 4,170 | 4,253 | 4,338 | 4,425 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 28 | 4,008 | 4,008 | 4,088 | 4,170 | 4,253 | 4,338 | 4,425 | 4,514 |
| 29 | 4,088 | 4,088 | 4,170 | 4,253 | 4,338 | 4,425 | 4,514 | 4,604 |
| 30 | 4,170 | 4,170 | 4,253 | 4,338 | 4,425 | 4,514 | 4,604 | 4,696 |
| 31 | 4,253 | 4,253 | 4,338 | 4,425 | 4,514 | 4,604 | 4,696 | 4,790 |
| 32 | — | 4,338 | 4,425 | 4,514 | 4,604 | 4,696 | 4,790 | 4,886 |
| 33 | — | — | 4,514 | 4,604 | 4,696 | 4,790 | 4,886 | 4,984 |
| 34 | — | — | 4,604 | 4,696 | 4,790 | 4,886 | 4,984 | 5,084 |
| 35 | — | — | — | 4,790 | 4,886 | 4,984 | 5,084 | 5,186 |
| 36 | — | — | — | 4,886 | 4,984 | 5,084 | 5,186 | 5,290 |
| 37 | — | — | — | — | 5,084 | 5,186 | 5,290 | 5,396 |
| 38 | — | — | — | — | — | 5,290 | 5,396 | 5,504 |
| 39 | — | — | — | — | — | — | 5,504 | 5,614 |
| 40 | — | — | — | — | — | — | 5,614 | 5,726 |
| 41 | — | — | — | — | — | — | — | 5,841. |

(c) The appropriate classification for placement of principals and assistant principals on the salary schedule shall be determined in accordance with the following schedule:

| **Classification** | **Number of Teachers Supervised** |
|---|---|
| Assistant Principal | |
| Principal I | Less than 11 Teachers |
| Principal II | 11–21 Teachers |
| Principal III | 22–32 Teachers |
| Principal IV | 33–43 Teachers |
| Principal V | 44–54 Teachers |
| Principal VI | 55–65 Teachers |
| Principal VII | More than 65 Teachers. |

The number of teachers supervised includes teachers and assistant principals paid from State funds only; it does not include teachers or assistant principals paid from non–State funds or the principal or teacher assistants.

(d) An assistant principal shall be placed on the step on the salary schedule that reflects total years of experience as a certificated employee of the public schools.

A principal shall be placed on the step on the salary schedule that reflects total number of years of experience as a certificated employee of the public schools and an additional step for every three years of experience as a principal.

(e) Principals and assistant principals with certification based on academic preparation at the six–year degree level and at the doctoral degree level shall be paid a salary supplement as provided in Section 132 of Chapter 321 of the 1993 Session Laws.

(f) There shall be no State requirement that superintendents in each local school unit shall receive in State–paid salary at least one percent (1%) more than the highest paid principal receives in State salary in that school unit: Provided, however, the additional State–paid salary a superintendent who was employed by a local school administrative unit for the 1992–93 fiscal year received because of that requirement shall not be reduced because of this subsection for subsequent fiscal years that the superintendent is employed by that local school administrative unit so long as the superintendent is entitled to at least that amount of additional State–paid salary under the rules in effect for the 1992–93 fiscal year.

(g) Longevity pay for principals and assistant principals shall be as provided for State employees.

(h) (1) If a principal is reassigned to a higher job classification because the principal is transferred to a school within a local school administrative unit with a larger number of State–allotted teachers, the principal shall be placed on the salary schedule as if the principal had served the principal's entire career as a principal at the higher job classification.

(2) If a principal is reassigned to a lower job classification because the principal is transferred to a school within a local school administrative unit with a smaller number of State–allotted teachers, the principal shall be placed on the salary schedule as if the principal had served the principal's entire career as a principal at the lower job classification.

This subdivision applies to all transfers on or after the ratification date of this act, except transfers in school systems that have been created, or will be created, by merging two or more school systems. Transfers in these merged systems are exempt from the provisions of this subdivision for one calendar year following the date of the merger.

(i) Except as provided in subsection (h) of this section, the salary of a principal or assistant principal shall not be less for the 1994–95 fiscal year than it was for the 1993–94 fiscal year solely as a result of placement on the salary schedule established in this section.

Requested by: Senators Ward, Perdue,
Representatives Rogers, Black, Diamont

**REPORT ON TEACHERS LEAVING THE TEACHING PROFESSION**

Sec. 19.9. G.S. 115C–12 is amended by adding a new subdivision to read:

"(22) Duty to Monitor the Decisions of Teachers to Leave the Teaching Profession. — The State Board of Education shall monitor and compile an annual report on the decisions of teachers to leave the teaching profession. The State Board shall adopt standard procedures for each local board of education to use in requesting the information from teachers who are not continuing to work as teachers in the local school administrative unit and shall require each local boards of education to report the information to the State Board in a standard format adopted by the State Board."

Requested by: Senator Perdue,
Representative Barnes

**TASK FORCE ON VOCATIONAL AND TECHNICAL EDUCATION**

Sec. 19.10. (a) Task Force on Vocational and Technical Education created membership. — There is created the Task Force on Vocational and Technical Education. The Task Force shall be located administratively in the Department of Public Instruction but shall exercise all its prescribed statutory powers independently of the Department of Public Instruction.

(b) The Task Force shall consist of the following 16 members:

(1) The State Superintendent of Public Instruction or a designee;

(2) The State Auditor or a designee;

(3) The Commissioner of Labor or a designee;

(4) One representative of The University of North Carolina, appointed by the President of The University of North Carolina;

(5) One representative of the North Carolina Community College System, appointed by the President of the North Carolina Community College System;

(6) Two members appointed by the Governor;

(7) Two members of the Senate appointed by the President *Pro Tempore* of the Senate;

(8) One businessperson involved in vocational and technical education and one director of vocational and technical education for a local school administrative unit, appointed by the President *Pro Tempore* of the Senate;

(9) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;

(10) One businessperson involved in vocational and technical education and one vocational and technical education teacher appointed by the Speaker of the House of Representatives; and

(11) The chair of the Governor's Commission on WorkForce Preparedness.

The Governor and the Superintendent of Public Instruction shall each appoint a cochair from the membership of the Task Force.

Vacancies in terms of members shall be filled by the appointing officers.

(c) The Task Force, in collaboration with the Department of Community Colleges, the Department of Public Instruction, and the Governor's Commission on WorkForce Preparedness shall study the following issues related to vocational and technical education:

(1) The quality, focus, standards, and future goals of vocational and technical education programs in the public schools, including the current status of local TechPrep, apprenticeship, and other school–to–work programs in North Carolina;

(2) Funding issues including funding levels of programs, funding sources, distribution of funds, students served, and cost–per–student comparisons;

(3) Technological and educational quality of equipment and instructional materials, and projected equipment and technology needs for vocational and technical education;

(4) Current accountability efforts, including program standards and performance measures such as academic and employment outcomes, and review of program evaluation and improvement methods;

(5) Relevance of vocational and technical education to the workforce and subsequent employment, including the relationship of program focus to current and future labor market;

(6) Articulation issues, including the linkage of programs to higher education, other governmental workforce programs, and the business community;

(7) The efficiency and effectiveness of organizational and delivery aspects of existing vocational and technical and school–to–work programs including cooperative education, internships, youth apprenticeships, career academics, school–based enterprises, supervised occupational experiences, vocational student organizations, Tech Prep, and Job Training Partnership Act (JTPA) whether there is unnecessary duplication and overlap, and the appropriate role for each agency involved;

(8) The efficiency and effectiveness of State and local administration of programs;

(9) Curriculum and instructional delivery issues, including curriculum review and development and the extent and success of linkage and integration of vocational and technical education to core academic education;

(10) Career guidance and career counseling in the public schools; and

(11) Training and retraining of educators involved in vocational and technical education, including the effectiveness of preservice training for teachers, teacher qualification requirements, teacher supply and demand trends, plans for ongoing staff development for teachers, local and State leadership including Department of Public Instruction staff, administrators, principals and superintendents, and necessary changes in staff development.

The Task Force shall make an interim report of the results of its study and its recommendations for modifications in vocational and technical education and school–to–work transition programs to the Joint Legislative Education Oversight Committee, the Governor's Commission on WorkForce Preparedness, and the State Board of Education prior to January 15, 1995, and a final report prior to March 1, 1996.

(d) Members of the Task Force who are also members of the General Assembly shall be paid subsistence and travel expenses at the rate set forth in G.S. 120–3.1. Members of the Task Force who are officials or employees of the State shall receive travel allowances at the rate set forth in G.S. 138–6. All other members of the Task Force shall be paid the *per diem* and allowances set forth in G.S. 138–5.

(e) The Department of Public Instruction shall provide requested professional and clerical staff to the Task Force. The Task Force may also employ professional and clerical staff and shall hire outside consultants to assist it in its work.

(f) The Department of Public Instruction shall use up to one hundred thousand dollars ($100,000) within its budget for the 1994–95 fiscal year for the work of the Task Force on Vocational and Technical Education.

Requested by: Senators Ward, Perdue,
Representatives Barnes, Rogers, Black

**TEACHER ACADEMY FUNDS**

Sec. 19.11. (a) Funds appropriated in this act for the operation of the Teacher Academy for the 1994–95 fiscal year shall be used for Teacher Academy training sessions offered for the summer of 1994 and for sessions offered for the summer of 1995 prior to July 1, 1995. These funds include the sum of three hundred seventy–five thousand dollars ($375,000) in nonrecurring funds for training sessions for additional teachers during the first fiscal year of program implementation.

(b) The Task Force on Teacher Staff Development shall evaluate the Teacher Academy Plan it developed in accordance with Section 141 of Chapter 321 of the 1993 Session Laws and shall consider how it might fit into a comprehensive approach to staff development. The State Board of Education shall conduct an evaluation of the quality of the 1994–95 Teacher Academy sessions. The Task Force shall address more completely the factors it was directed to address by Section 141 and shall develop a more comprehensive approach for teacher professional development. The Task Force shall place special emphasis on the following:

(1) Efficient and effective use of existing State, federal, and local resources through an integrated, nonduplicative delivery of professional development to teachers.

(2) Short–range and long–range plans for school–based staff development that address the professional development needs of teachers in site–based decision making, core content areas, instruction, use of modern technology, and other appropriate subjects.

(3) More effective use of the North Carolina Center for Advancement of Teaching facility and staff in the delivery of teacher professional development.

(4) Training schedules and opportunities that minimize the time teachers are away from classroom instruction.

(5) Development of organizational arrangements and technologies that encourage teacher networking and collaboration.

(6) Effective use of the facilities and faculties of The University of North Carolina campuses in the delivery of professional development to teachers.

(7) Effective use of existing and planned telecommunications and long–distance learning systems for teacher professional development to limit expenditures for travel and associated costs.

(8) Professional development that meets the unique needs of individual schools and a plan to ensure quality in the various staff development offerings.

(9) A proposal for the ongoing coordination of teacher professional development activities among local school administrative units, the Department of Public Instruction, the Technical Assistance Centers, The University of North Carolina, NCCAT, private colleges and universities, and any other providers of teacher professional development.

The Task Force on Teacher Staff Development shall also review the work of the Teacher Training Task Force and consider incorporating elements of the findings and recommendations of the Teacher Training Task Force in the Plan.

The Task Force shall make an interim report on (i) its progress on the Plan, (ii) expenditures on and evaluation of the Teacher Academy programs during the summer of 1994, and (iii) projected expenditures for the summer of 1995 to the Joint Legislative Education Oversight Committee and the State Board of Education no later than October 1, 1994. The final Plan shall be submitted to the State Board of Education for adoption no later than December 1, 1994. Any legislative action required to implement the Plan shall be submitted to the Joint Legislative Education Oversight Committee and the General Assembly no later than January 15, 1995.

(c) Effective July 7, 1994, Chapter 718 of the 1993 Session Laws is repealed.

Requested by: Senator Ward,
Representatives Rogers, Black

**STATISTICS ON STUDENTS ELIGIBLE FOR FREE AND REDUCED PRICE LUNCHES**

Sec. 19.12. Of the funds appropriated to the Department of Public Instruction in this act, the Department of Public Instruction shall use fifty thousand dollars ($50,000) to compile and analyze data on the number of students eligible for free and reduced price lunches. The analysis shall include consideration of whether this data is a valid measure of income at the local school administrative unit level and at the school building.

Requested by: Senators Daniel, Plyler, Ward, Warren, Perdue,
Representatives Jeffus, Rogers, Black, Barnes, Diamont

**SUBSTITUTE TEACHER PAY**

Sec. 19.13. Substitute teachers who hold teacher certificates shall be paid at a rate of fifty–seven dollars ($57.00) per day. Substitute teachers who do not hold teacher certificates but have completed effective teacher training shall be paid at a rate of fifty dollars ($50.00) per day. Substitute teachers who neither hold teacher certificates nor have completed effective teacher training shall be paid at a rate of forty dollars ($40.00) per day.

Requested by: Senators Ward, Perdue, Daniel, Plyler,
Representatives Nesbitt, Diamont, Rogers, Black, Barnes

**BASIC EDUCATION PROGRAM FUNDS**

Sec. 19.17. Of the funds appropriated in this act to State Aid to Local School Administrative Units, the sum of fifty–five million eight hundred twenty–four thousand one hundred thirty–six dollars ($55,824,136) shall be used to implement the Basic Education Program. These funds shall be allocated as follows:

(1) $10,000,000 shall be allocated for school psychologists, social workers, and guidance counselors for kindergarten through the eighth grade in accordance with the Basic Education Program. Each local school administrative unit shall comply with the staffing requirements of the Basic Education Program regarding school psychologists, social workers, and guidance counselors for kindergarten through the eighth grade.

(2) $26,320,319 shall be used to implement fully the class size reduction at the kindergarten level in accordance with the Basic Education Program.

(3) $9,536,119 shall be used to implement fully textbook funding in accordance with the Basic Education Program by restoring textbook purchasing power to the 1985 level.

The General Assembly urges the State Board of Education to carry out its duties under G.S. 115C–96 by requesting sufficient appropriations from the General Assembly to provide the children of the public elementary and secondary schools with free basic textbooks. The General Assembly also urges the Governor to include that amount in the proposed budget and to carry out the Governor's duties under G.S. 143–11 by accompanying the proposed budget with the State Board of Education's request for appropriations for textbooks.

The State Board of Education shall adjust the funds for positions allocated pursuant to this section to reflect legislative adjustments to average salary and the current average daily membership.

Requested by: Representative Culpepper

**DARE SCHOOL PAY DATE**

Sec. 19.18. Notwithstanding the provisions of G.S. 115C–302(a), G.S. 115C–316(a), or any other provision of law, all 10–month employees of the Dare County Board of Education shall be paid on the twelfth day of each month. Nothing in this section shall have the effect of changing the rate of pay for any employee of the Dare County Board of Education.

This section shall not be construed to authorize prepayment of any employees by the Dare County Board of Education.

Requested by: Representatives Yongue, Cummings, Lee

**SCOTLAND SCHOOL PAY DATE**

Sec. 19.19. Section 143.1 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 143.1. Notwithstanding the provisions of G.S. 115C–302(a), G.S. 115C–316(a), or any other provision of law, all 10–month employees of the Scotland County Schools except for school bus drivers, who are paid on a monthly basis, shall be paid on the ~~fifteenth~~ tenth day of each month. Nothing in this section shall have the effect of changing the rate of pay for any employee of Scotland County Schools.

This section shall not be construed to authorize prepayment of any employees by the Scotland County Board of Education."

Requested by: Representatives Lutz, Hunt, Weatherly

**REPEAL CLEVELAND SCHOOL PAY DATE**

Sec. 19.20. Section 2 of Chapter 311 of the 1991 Session Laws is repealed.

Requested by: Representatives Wilmoth, Cromer

**WATAUGA SCHOOL PAY DATE**

Sec. 19.21. Notwithstanding the provisions of G.S. 115C–302(a), G.S. 115–316(a), or any other provision of law, all 10–month employees of the Watauga County Board of Education shall be paid on the tenth day of each month, and all other employees of the Watauga County Board of Education shall be paid on the last day of each month. If the pay date so established falls on a weekend or holiday, the employee shall be paid on the last workday before the established pay date. Nothing in this section shall have the effect of changing the rate of pay for any employee of the Watauga County Board of Education.

This section shall not be construed to authorize prepayment of any employees of the Watauga County Board of Education.

Requested by: Representative Flaherty

**CALDWELL SCHOOL PAY DATE**

Sec. 19.22. Notwithstanding the provisions of G.S. 115C–302(a), G.S. 115C–316(a), or any other provision of law, all 10–month employees of the Caldwell County Board of Education who are paid on a monthly basis shall be paid on the fifteenth day of each month. Nothing in this section shall have the effect of changing the rate of pay for any employee of Caldwell County Board of Education.

This section shall not be construed to authorize prepayment of any employees by the Caldwell County Board of Education.

Requested by: Senator Ward,
Representatives Kuczmarski, Rogers, Black

**CUED SPEECH FUNDS**

Sec. 19.23. Of the funds appropriated in this act to the Department of Public Instruction, the sum of ninety–five thousand dollars ($95,000) shall be used as a grant–in–aid for the Cued Speech Center of Wake County. The Center shall use these funds to provide transition services.

The Department of Public Instruction shall evaluate the use of these funds and report the results of the evaluation to the Commission on Children with Special Needs before October 1, 1995.

Requested by: Senator Ward,
Representatives Rogers, Black, Diamont

**ALLOCATIONS OF BASIC EDUCATION PROGRAM FUNDS FOR SMALL CITY SCHOOL SYSTEMS**

Sec. 19.24. The State Board of Education shall modify the position allocation formulas under the Basic Education Program by rounding all fractions of positions to the next whole position for each city school administrative unit with an average daily membership of less than 3,000 students.

Requested by: Senator Ward,
Representatives Rogers, Black, Diamont

**SCHOOL ADMINISTRATOR ALLOTMENT FORMULAS**

Sec. 19.25. The State Board of Education shall modify the allotment formula for school administrators so that (i) the base allotment under the formula is the same for all local school administrative units, regardless of the average daily membership of the units and (ii) the remainder of the funds is allotted on the basis of average daily membership.

Requested by: Senators Winner of Mecklenburg, Ward, Perdue, Daniel, Plyler,
Representatives Diamont, Rogers, Black, Barnes, Nesbitt

**SCHOOL TECHNOLOGY PLANS/FUNDS**

Sec. 19.26. (a) G.S. 115C–102.6 reads as rewritten:

"**§ 115C–102.6. ~~Duties.~~ Duty to prepare a requirements analysis and propose a State school technology plan.**

The Commission shall prepare a requirements analysis and propose a State school technology plan ~~to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee~~ for improving student performance in the public schools through the use of learning and instructional management technologies.

In developing this plan, the Commission shall:

(1) Assess factors related to the current use of learning and instructional management technologies in the schools, including what is currently being used, how the current use of technology relates to the standard course of study, how the effectiveness of learning and instructional management technologies is being evaluated, how schools are paying for learning and instructional management technologies, and what training school employees have received in the use of learning and instructional management technology and networks.

(2) Identify the instructional goals that can be met through the use of learning and instructional management technologies. The goals may include teaching the standard course of study, reaching students with a broad range of abilities, and ensuring that all students have access to a complete curriculum regardless of the geographical location or the financial resources of the school.

(3) Examine the types of learning and instructional management technologies available to meet the identified instructional goals, including computers, audiovisual aids, science laboratory equipment, vocational education equipment, and distance learning networks. The Commission shall consider the compatibility and accessibility of different types of learning and instructional management technologies, including compatibility with the planned statewide broadband ISDN network, and whether they may be easily communicated from one site to another. The Commission shall also consider linkages between learning and instructional management technologies and existing State and local administrative systems.

(4) Develop a basic level of learning and instructional management technology for every school in the State. The basic level may include:

a. A computer lab with student stations or a specified number of student computer stations in each classroom for the use of instructional software such as computer–assisted instruction, integrated learning systems,

instructional management systems, and applications software such as word processing, database, spreadsheet, and desktop publishing.

b. A computer workstation in every classroom for teachers to use in preparation and delivery of instruction and for administrative record keeping.

c. A television monitor and video cassette–recorder in every classroom to take advantage of open–air broadcast programs, satellite programs, and instructional video tapes available from the library/media center.

d. Computer workstations at each elementary and secondary school, housed in the library/media center, for individual students to use for basic skills instructional software.

e. A telecommunications line, modem, and software in each school's library/media center that will allow students and teachers access to external databases and resources for research purposes.

f. The availability of telephones for teachers.

g. Initial training for the principal and teachers from each school in the use of the new technology.

(5) Consider staffing required to operate the learning and instructional management technologies and options for maintaining the equipment.

(6) Consider the types of staff development necessary to maximize the benefits of learning and instructional management technologies and determine the appropriate ways to provide the necessary staff development.

(7) Develop a cost analysis of any plans and proposals that it develops."

(b) Part 3A of Article 8 of Chapter 115C of the General Statutes is amended by adding four new sections to read:

"**§ 115C–102.6A. Elements of the State school technology plan.**

(a) The State school technology plan shall be a long–term State implementation plan for using funds from the State School Technology Fund and other sources to improve student performance in the public schools through the use of learning and instructional management technologies. The purpose of the plan shall be to provide a cost–effective foundation of flexible and long–lasting technology to promote substantial gains in student achievement.

(a1) In developing the plan the Commission shall consider and plan for the relationship of the North Carolina Information Highway to the plan. In particular the plan shall establish priorities for the acquisition of school technologies including how the Information Highway fits into those priorities.

(b) Components of the State school technology plan shall include at least the following:

(1) Common technical standards and uniform practices and procedures that provide statewide economies of scale in procurements, training, support, planning, and operations.

(2) Conceptual technical architecture that includes:

a. Principles — Statements of direction, goals, and concepts to guide the development of technical architecture;

b. Standards for interoperability — Detailed specifications to ensure hardware, software, databases, and other products that may have been developed independently or purchased from different vendors or manufacturers will work together, to the extent that interoperability facilitates meeting instructional or administrative goals; and

c. Implementation strategies — Approaches or guidelines for developing and installing the components of the technical infrastructure.

(3) A quality assurance policy for all school technology projects, training programs, systems documentation, and maintenance plans.

(4) Policies and procedures for the fair and competitive procurement of school technology that provide local school administrative units with a vendor-neutral operating environment in which different school technology hardware, software, and networks operate together easily and reliably, to the extent feasible consistent with meeting instructional or administrative goals. The operating environment includes all hardware and software components and configurations necessary to accomplish the integrated functions for school technology such as (i) types and sizes of computer platforms, telecommunications equipment, and associated communications protocols; (ii) operating systems for the computer processors; (iii) applications and other operating and support software; and (iv) other equipment, items, and software, such as printers, terminals, data and image storage devices, and other input, output, and storage devices.

(5) A comprehensive policy for inventory control.

(6) Parameters for continuous, ongoing training for all personnel involved in the use of school technology. Training shall focus on the integration of technology and instruction and on the use of particular applications.

(7) Recommendations to the State Board of Education of requirements for preservice teacher training on the integration of teaching and school technology.

(8) Proposals for leadership training on the use of school technology to improve instruction and as a management tool.

(9) Development of expertise at the State and regional levels on school technology.

(10) Flexibility to enable local school administrative units and individual schools to meet individual school unit and building needs.

(11) Flexibility to meet the needs of all students, allow support to students with a wide range of abilities, and ensure access to challenging curricula and instruction for children at risk of school failure.

(12) Use of technologies to support challenging State and local educational performance goals.

(13) Effective and integrated use of technologies compatible with (i) the standard course of study, (ii) the State assessment program, and (iii) related student data management.

(14) Use of technologies as a communication, instructional, and management tool and for problem-solving, exploration, and advanced skills.

(15) Proposals for addressing equipment needs for vocational education, Tech Prep, and science instruction.

(16) Specifications for minimum components of local school system technology plans.

**§ 115C-102.6B. Approval of State school technology plan.**

(a) The Commission shall present the State school technology plan it develops to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee for their comments prior to January 1, 1995. At least every two years thereafter, the Commission shall develop any necessary modifications

to the State school technology plan and present them to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee.

(b) After presenting the plan or any proposed modifications to the plan to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee, the Commission shall submit the plan or any proposed modifications to (i) the Information Resources Management Commission for its approval of the technical components of the plan set out in G.S. 115C-102.6A(1) through (4), and (ii) the State Board of Education for its approval of the components of the plan set out in G.S. 115C-103.6A (1) through (16).

At least one-fourth of the members of any technical committee that reviews the plan for the Information Resources Management Commission shall be people actively involved in primary or secondary education.

(c) If no changes are made to the plan or the proposed modifications to the plan after the submission to the Information Resources Management Commission and the State Board of Education, the plan or the proposed modifications shall take effect upon approval by the Information Resources Management Commission and the State Board of Education.

**§ 115C-102.6C. Approval of local school system technology plans.**

(a) Each local board of education shall develop a local school system technology plan that meets the requirements of the State school technology plan. In developing a local school system technology plan, a local board of education is encouraged to coordinate its planning with other agencies of State and local government, including other local school administrative units.

The Information Resources Management Commission shall assist the local boards of education in developing the parts of the plan related to its technological aspects, to the extent that resources are available to do so. The Department of Public Instruction shall assist the local boards of education in developing the instructional and technological aspects of the plan.

Each local board of education shall submit the local plan it develops to the Information Resources Management Commission for its evaluation of the parts of the plan related to its technological aspects and to the Department of Public Instruction for its evaluation of the instructional aspects of the plan. The State Board of Education, after consideration of the evaluations of the Information Resources Management Commission and the Department of Public Instruction, shall approve all local plans that comply with the requirements of the State school technology plan.

(b) After a local school system technology plan is approved by the State Board of Education, all State funds spent by the local board of education for any aspect of school technology shall be used to implement the local school system technology plan.

(c) After a local school system technology plan is approved by the State Board of Education, the local board of education may use funds in the State School Technology Fund that are allocated to the local school administrative unit to implement the plan.

**"§ 115C-102.6D. Establishment of the State School Technology Fund; allocation and use of funds.**

(a) There is established under the control and direction of the State Board of Education the State School Technology Fund. This fund shall be a nonreverting special revenue fund consisting of any monies appropriated to it by the General Assembly.

(b) Funds in the State School Technology Fund shall be allocated to local school administrative units as directed by the General Assembly. Funds allocated to each

local school administrative unit shall be credited with interest by the State Treasurer pursuant to G.S. 147–69.2 and G.S. 147–69.3.

(c) Each local school administrative unit with a local school system technology plan approved by the State Board of Education may use funds allocated to it to implement its local plan or as otherwise specified by the General Assembly."

(c) G.S. 115C–102.7 reads as rewritten:

"**§ 115C–102.7. ~~Reports.~~ Monitoring and evaluation of State and local school system technology plans; reports.**

(a) The Commission shall monitor and evaluate the development and implementation of the State and local school system technology plans. The evaluation shall consider the effects of technology on student learning, the effects of technology on students' workforce readiness, the effects of technology on teacher productivity, and the cost–effectiveness of the technology. ~~The Commission shall make a progress report prior to March 15, 1994, and a final report prior to May 15, 1994, on the plan it develops to~~ The Commission shall report in October of each year to the State Board of Education, the Joint Legislative Commission on Governmental ~~Operations~~ Operations, and the Joint Legislative Education Oversight ~~Committee.~~ Committee on the development and the implementation of State and local school system technology plans.

(a1) The Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee may meet jointly to consider ~~the~~ reports from the Commission on School Technology and they may appoint subcommittees to jointly consider the reports.

(b) The Commission shall provide notice of meetings, copies of minutes, and periodic briefings to the chair of the Information Resources Management Commission and the chair of the Technical Committee of the Information Resources Management Commission."

(d) Funds in the amount of forty–two million ($42,000,000) are appropriated in this act to the Office of State Budget and Management, School Technology Reserve. These funds and any other funds that may be provided by the General Assembly for the 1994–95 fiscal year for learning and instructional management technology shall be spent only in accordance with subsequent legislation enacted by the General Assembly. It is the intent of the General Assembly to enact such legislation within 30 days of receiving the State school technology plan approved by the State Board of Education and the Information Resources Management Commission pursuant to G.S. 115C–102.6B(c)

(e) Of the funds appropriated to the Office of the State Controller, Division of Information Resources Management, in this act, the sum of one hundred fifty thousand dollars ($150,000) shall be used, after March 1, 1995, for three professional employee positions to be located in Raleigh and one clerical employee position to be located in Raleigh, and necessary office furniture, supplies, and equipment. These employees shall advise the Information Resources Management Commission concerning the evaluation of the technological aspects of the local school system technology plans. To the extent that resources are available to do so, they shall also respond to requests for advice from the State Board of Education and the Department of Public Instruction, assist local school administrative units in developing local school system technology plans, and assist local governments with regard to the use of technology.

(f) The State Board of Education shall allocate the sum of two hundred thousand dollars ($200,000) from State Aid to Local School Administrative Units to be

used after March 1, 1995 for six professional employee positions in the Department of Public Instruction and for necessary office furniture, supplies, and equipment. The employees shall be located in the Technical Assistance Centers of the Department of Public Instruction. These employees shall respond to requests for advice from the State Board of Education and assist local school administrative units in developing local school system technology plans. To the extent that resources are available to do so they shall also assist local governments with regard to the use of technology.

It is the intent of the General Assembly to include these funds in the continuation budget of the Department of Public Instruction for the 1995–97 fiscal biennium.

(g) G.S. 115C–102.6B, which is enacted in subsection (b) of this section, becomes effective November 1, 1994. The remainder of this section becomes effective July 1, 1994.

Requested by: Senators Ward, Perdue,
Representatives Rogers, Barnes

**CAREER DEVELOPMENT PILOT/SITE–BASED MANAGEMENT**

Sec. 19.27. (a) Section 126 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 126. The State Board of Education shall require the local school administrative units receiving career development funds to modify their differentiated pay plans for the 1994–95 fiscal year so that the cost of the differentiated pay plan equals (i) five percent (5%) of teacher and administrator salaries and of the employer's contributions for social security and retirement, for the prior fiscal year, and (ii) the amount of local funds available for differentiated pay. The State Board of Education shall require the local school administrative units receiving career development funds to modify their differentiated pay plans for the 1995–96 fiscal year so that the cost of the differentiated pay plan equals (i) three percent (3%) of teacher and administrator salaries and of the employer's contributions for social security and retirement for the prior fiscal year, and (ii) the amount of local funds available for differentiated pay.

It is the intent of the General Assembly that this reduction in appropriations not result in employees receiving less on a monthly basis in salary and State–funded bonuses during the 1994–95 fiscal year or the 1995–96 fiscal year than they received on a monthly basis during the 1993–94 fiscal year so long as the employees qualify for bonuses under the local differentiated pay plan."

(b) Members of the Task Force on Site–Based Management shall serve until September 1, 1996, and shall be eligible for reappointment. Successive appointments shall be for two–year terms.

Requested by: Representatives Rogers, Black, Nesbitt, Diamont,
Senator Daniel

**FUNDS FOR NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS**

Sec. 19.28. The National Board for Professional Teaching Standards (NBPTS) was established in 1987 as an independent, nonprofit organization to establish high standards for teachers' knowledge and performance and for development and operation of a national voluntary system to assess and certify teachers who meet those standards. In order to apply for the NBPTS certification process, teachers must have three years or more of teaching experience, be currently teaching, have graduated from an accredited college or university, and hold a valid State teaching license. Upon successful completion of a year–long process of developing a portfolio of student work and

videotapes of teaching/learning activities for NBPTS review and then participating in NBPTS assessment center simulation exercises, including performance–based activities and a content knowledge examination, teachers may become NBPTS–certified.

Of the funds appropriated to the Department of Public Instruction in this act, the sum of five hundred thousand dollars ($500,000) for the 1994–95 fiscal year shall be used to pay for:

(1) The National Board for Professional Teaching Standards (NBPTS) participation fee and for up to three days of approved paid leave for teachers participating in the NBPTS program during the 1994–95 school year for State–paid teachers who (i) have completed three years of teaching in North Carolina schools operated by local boards of education, the Department of Human Resources, the Department of Correction, or The University of North Carolina, or affiliated with The University of North Carolina, prior to application for NBPTS certification, and (ii) who have not previously received State funds for participating in any certification area in the NBPTS program. Teachers participating in the program shall take paid leave only with the approval of their supervisors.

A teacher for whom the State pays the participation fee (i) who does not complete the process or (ii) who completes the process but does not teach in a North Carolina public school for at least one year after completing the process, shall repay the certification fee to the State. Repayment is not required if the process is not completed or the teacher fails to teach for one year due to the death or disability of the teacher or other extenuating circumstances as may be recognized by the State Board.

(2) An annual bonus of four percent (4%) of the teacher's State–paid salary for the 10–month school year for State–paid teachers who (i) completed three years of teaching in North Carolina schools operated by local boards of education, the Department of Human Resources, the Department of Correction, or The University of North Carolina prior to application for NBPTS certification and (ii) complete the certification process in 1993–94 and receive NBPTS certification in 1994–95. The bonus for the 1994–95 fiscal year shall be paid immediately upon certification. The bonus for each subsequent fiscal year shall be paid at the end of each full school year that the teacher teaches full–time in a North Carolina school.

The State Board of Education shall study incentive options for teachers who obtain NBPTS certification and the cost of those incentives. The State Board shall also study the impact of NBPTS certification on student performance. The State Board shall report the preliminary results of this study to the Joint Legislative Education Oversight Committee in December of 1994. The State Board shall make a final report on the impact of NBPTS certification on student performance to the Joint Legislative Education Oversight Committee in January of 1997.

Requested by: Senator Ward,
Representatives Rogers, Black

**ACADEMIC AND SUPPORT PROGRAM FOR COURT–INVOLVED YOUTH**

Sec. 19.29. Of the funds appropriated to the Department of Public Instruction in this act, the sum of one hundred seventeen thousand dollars ($117,000) shall be used to support the two–year comprehensive academic and support program operated by Duke University, in collaboration with North Carolina Central University, the

Durham Public Schools, the Durham Companions, and the Durham Educational Network, for court–involved middle school and high school students.

Requested by: Senators Daniel, Plyler, Ward,
Representatives Rogers, Black, Michaux, Diamont

**SCHOOL BUS DRIVER/SALARY RANGE**

Sec. 19.30. (a) The salary range for school bus drivers shall be at grade 51 as established by the State Board of Education, as adjusted by legislative across–the–board salary increases, for 10 months of employment. Local boards of education shall pay all school bus drivers within this range.

(b) Of the funds appropriated to State Aid to Local School Administrative Units in this act, the sum of three million five hundred thousand dollars ($3,500,000) shall be used to increase the pay of all school bus drivers an average of four and six–tenths percent (4.6%) within the salary range established in subsection (a) of this section. This increase is in addition to any legislative across–the–board increase granted by the General Assembly for the 1994–95 fiscal year.

(c) The average salary of a State–paid school bus driver for the 1994–95 school year within each local school administrative unit, computed on an hourly basis, shall be at least eight dollars ($8.00) per hour.

Requested by: Senator Ward,
Representatives Rogers, Black

**SCHOOL LEADERSHIP TRAINING FUNDS**

Sec. 19.31. Of the funds appropriated for State Aid to Local School Administrative Units in this act, the State Board of Education shall allocate the sum of five hundred thousand dollars ($500,000) to continue support for the school leadership training program in the public schools that was authorized by the 1979 General Assembly.

Requested by: Senators Daniel, Plyler, Perdue, Lee, Ward,
Winner of Mecklenburg, Smith, Warren, Hartsell,
Representative Rogers

**LOW–WEALTH AND SMALL SCHOOL SUPPLEMENTAL FUNDING CHANGES**

Sec. 19.32. (a) Subsection (c) of Section 138 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(c) **Definitions.** — As used in this section:

(1) 'Anticipated county property tax revenue availability' means the county adjusted property tax base multiplied by the effective State average tax rate.

(2) 'Anticipated total county revenue availability' means the sum of the

a. Anticipated county property tax revenue availability,

b. Local sales and use taxes received by the county that are levied under Chapter 1096 of the 1967 Session Laws or under Subchapter VIII of Chapter 105 of the General Statutes,

c. Food stamp exemption reimbursement received by the county under G.S. 105–164.44C,

d. Homestead exemption reimbursement received by the county under G.S. 105–277.1A,

e. Inventory tax reimbursement received by the county under G.S. 105–275.1 and G.S. 105–277A,

f. Intangibles tax distribution and reimbursement received by the county under G.S. 105–213 and G.S. 105–213.1, and

g. Fines and forfeitures deposited in the county school fund

for the most recent year for which data are available.

(3) 'Anticipated total county revenue availability per student' means the anticipated total county revenue availability for the county divided by the average daily membership of the county.

(4) 'Anticipated State average revenue availability per student' means the sum of all anticipated total county revenue availability divided by the average daily membership for the State.

(5) 'Average daily membership' means average daily membership as defined in the North Carolina Public Schools Allotment Policy Manual, adopted by the State Board of Education. If a county contains only part of a local school administrative unit, the average daily membership of that county includes all students who reside within the county and attend that local school administrative unit.

(6) 'County adjusted property tax base' shall be computed as follows:

a. Subtract the present–use value of agricultural land, horticultural land, and forestland in the county, as defined in G.S. 105–277.2, from the total assessed real property valuation of the county,

b. Adjust the resulting amount by multiplying by a weighted average of the three most recent annual sales assessment ratio studies,

c. Add to the resulting amount the:

1. Present–use value of agricultural land, horticultural land, and forestland, as defined in G.S. 105–277.2,

2. Value of property of public service companies, determined in accordance with Article 23 of Chapter 105 of the General Statutes, and

3. Personal property value

for the county.

(7) 'County adjusted property tax base per square mile' means the county adjusted property tax base divided by the number of square miles of land area in the county.

(8) 'County wealth as a percentage of State average wealth' shall be computed as follows:

a. Compute the percentage that the county per capita income is of the State per capita income and weight the resulting percentage by a factor of five–tenths,

b. Compute the percentage that the anticipated total county revenue availability per student is of the anticipated State average revenue availability per student and weight the resulting percentage by a factor of four–tenths,

c. Compute the percentage that the county adjusted property tax base per square mile is of the State adjusted property tax base per square mile and weight the resulting percentage by a factor of one–tenth,

d. Add the three weighted percentages to derive the county wealth as a percentage of the State average wealth.

(9) 'Effective county tax rate' means the actual county tax rate multiplied by a weighted average of the three most recent annual sales assessment ratio studies.

(10) 'Effective State average tax rate' means the average of effective county tax rates for all counties.

(10a) 'Local current expense funds' means the most recent county current expense appropriations to public schools, as reported by counties in the annual county financial information report to the State Treasurer.

(11) 'Per capita income' means the average for the most recent three years for which data are available of the per capita income according to the most recent report of the United States Department of Commerce, Bureau of Economic Analysis, including any reported modifications for prior years as outlined in the most recent report.

(12) 'Sales assessment ratio studies' means sales assessment ratio studies performed by the Department of Revenue under G.S. 105–289(h).

(13) 'State average current expense appropriations per student' means the most recent State total of county current expense appropriations to public schools, as reported by counties in the annual county financial information report to the State Treasurer, divided by the total State average daily membership.

(14) 'State average adjusted property tax base per square mile' means the sum of the county adjusted property tax bases for all counties divided by the number of square miles of land area in the State.

(14a) 'Supplant' means to decrease local per student current expense appropriations from one fiscal year to the next fiscal year.

(15) 'Weighted average of the three most recent annual sales assessment ratio studies' means the weighted average of the three most recent annual sales assessment ratio studies in the most recent years for which county current expense appropriations and adjusted property tax valuations are available. If real property in a county has been revalued one year prior to the most recent sales assessment ratio study, a weighted average of the two most recent sales assessment ratios shall be used. If property has been revalued the year of the most recent sales assessment ratio study, the sales assessment ratio for the year of revaluation shall be used."

(b) Subsection (d) of Section 138 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(d) **Eligibility for funds.** — Except as provided in subsection (h) of this section, ~~The~~ the State Board of Education shall allocate these funds to local school administrative units located in whole or in part in counties in which the county wealth as a percentage of the State average wealth is less than one hundred percent (100%)."

(c) Subsection (h) of Section 138 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(h) **Nonsupplant requirement.** — A county in which a local school administrative unit receives funds under this section shall use the funds to supplement local current expense funds and shall not supplant ~~existing State and local funding for public schools.~~ local current expense funds. Beginning with the 1995–96 fiscal year, the State Board of Education shall not allocate funds under this section to a county found to have used these funds to supplant local per student current expense funds. The State Board of Education shall make a finding that a county has used these funds to supplant local current expense funds in the prior year, or the year for which the most recent data are available, if:

(1) The average of the local per student current expense appropriation for the three most recent years is less than ninety–five percent (95%) of the greater

of (i) the local per student current expense appropriation for the 1991–92 fiscal year; or (ii) the average local per student current expense appropriation of the county for the three fiscal years immediately prior to the current year; and

(2) The county cannot show (i) that it has remedied the deficiency in funding, or (ii) that extraordinary circumstances caused the county to supplant local current expense funds with funds allocated under this section.

The State Board of Education shall adopt rules to implement this section.

~~The Local Government Commission shall analyze the budgets and the expenditures of school administrative units that receive funds under this section in light of their budgets and expenditures for the previous year and shall determine whether those funds were used to supplement and not supplant State and local funding for public schools. The Local Government Commission shall report the results of its study to the State Board of Education, to the Joint Legislative Education Oversight Committee, and to the Appropriations Committees of the Senate and the House of Representatives, prior to May 1, 1994, and May 1, 1995.~~"

(d) Subsection (i) of Section 138 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(i) **Reports.** — Counties that receive funds under this section shall report to the State Board of Education before March 1 each year on how they are using the funds for the fiscal year. The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to May 1, 1994, and May 1, ~~1995,~~ 1995, and annually thereafter on how the funds are being used. In its report the State Board shall analyze local appropriations and identify counties that supplant funds.

The Local Government Commission shall report on March 1, 1995, and annually thereafter on county appropriations to local school current expense funds to the State Board of Education and to the Appropriations Committees of the Senate and House of Representatives."

(e) Section 138.1 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 138.1. (a) **Funds for Small School Systems.** — Except as provided in subsection (b) of this section, ~~The~~ the State Board of Education shall allocate funds appropriated for small school system supplemental funding (i) to each county school administrative unit with an average daily membership of less than 3,000 students and (ii) to each county school administrative unit with an average daily membership of from 3,000 to 4,000 students if the county in which the local school administrative unit is located has a county adjusted property tax base per student that is below the State adjusted property tax base per student and if the total average daily membership of all local school administrative units located within the county is from 3,000 to 4,000 students. The allocation formula shall:

(1) Round all fractions of positions to the next whole position.

(2) Provide ~~four~~ five and one–half additional regular classroom teachers in counties in which the average daily membership per square mile is greater than four and ~~six~~ seven additional regular classroom teachers in counties in which the average daily membership per square mile is four or less.

(3) Provide additional program enhancement teachers adequate to offer the standard course of study.

(4) Change the duty–free period allocation to one teacher assistant per 400 average daily membership.

(5) Provide a base for the consolidated funds allotment of at least one hundred fifty thousand dollars ($150,000), excluding textbooks.

(6) Allot vocational education funds for grade 6 as well as for grades 7–12.

If funds appropriated for each fiscal year for small school system supplemental funding are not adequate to fund fully the program, the State Board of Education shall reduce the amount allocated to each county school administrative unit on a pro rata basis. This formula is solely a basis for distribution of supplemental funding for certain county school administrative units and is not intended to reflect any measure of the adequacy of the educational program or funding for public schools. The formula is also not intended to reflect any commitment by the General Assembly to appropriate any additional supplemental funds for such county administrative units.

(b) **Nonsupplant requirement.** — A county in which a local school administrative unit receives funds under this section shall use the funds to supplement local current expense funds and shall not supplant ~~existing State and local funding for public schools.~~ local current expense funds. Beginning with the 1995–96 fiscal year, the State Board of Education shall not allocate funds under this section to a county found to have used these funds to supplant local per student current expense funds. The State Board of Education shall make a finding that a county has used these funds to supplant local current expense funds in the prior year, or the year for which the most recent data are available, if:

(1) The average of the local per student current expense appropriation for the three most recent years is less than ninety–five percent (95%) of the greater of (i) the local per student current expense appropriation for the 1991–92 fiscal year; or (ii) the average local per student current expense appropriation of the county for the three fiscal years immediately prior to the current year; and

(2) The county cannot show (i) that it has remedied the deficiency in funding, or (ii) that extraordinary circumstances caused the county to supplant local current expense funds with funds allocated under this section.

The State Board of Education shall adopt rules to implement this section.

~~The Local Government Commission shall analyze the budgets and the expenditures of school administrative units that receive funds under this section in light of their budgets and expenditures for the previous year and shall determine whether those funds were used to supplement and not supplant State and local funding for public schools. The Local Government Commission shall report the results of its study to the State Board of Education, the Joint Legislative Oversight Committee, and the Appropriations Committees of the Senate and the House of Representatives, prior to May 1, 1994 and May 1, 1995.~~

(c) **Definitions.** — As used in this section:

(1) 'Average daily membership' means within two percent (2%) of the average daily membership as defined in the North Carolina Public Schools Allotment Policy Manual, adopted by the State Board of Education.

(2) 'County adjusted property tax base per student' means the total assessed property valuation for each county, adjusted using a weighted average of the three most recent annual sales assessment ratio studies, divided by the total number of students in average daily membership who reside within the county.

(2a) 'Local current expense funds' means the most recent county current expense appropriations to public schools, as reported by counties in the annual county financial information report to the State Treasurer.

(3) 'Sales assessment ratio studies' means sales assessment ratio studies performed by the Department of Revenue under G.S. 105–289(h).

(4) 'State adjusted property tax base per student' means the sum of all county adjusted property tax bases divided by the total number of students in average daily membership who reside within the State.

(4a) 'Supplant' means to decrease local per student current expense appropriations from one fiscal year to the next fiscal year.

(5) 'Weighted average of the three most recent annual sales assessment ratio studies' means the weighted average of the three most recent annual sales assessment ratio studies in the most recent years for which county current expense appropriations and adjusted property tax valuations are available. If real property in a county has been revalued one year prior to the most recent sales assessment ratio study, a weighted average of the two most recent sales assessment ratios shall be used. If property has been revalued the year of the most recent sales assessment ratio study, the sales assessment ratio for the year of revaluation shall be used.

(d) **Reports.** — Counties that receive funds under this section shall report to the State Board of Education before March 1 each year on how they are using the funds for the fiscal year. The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to May 1, 1994, and May 1, ~~1995,~~ 1995, and annually thereafter on how the funds are being used. In its report the State Board shall analyze local appropriations and identify counties that supplant funds.

The Local Government Commission shall report on March 1, 1995, and annually thereafter on county appropriations to local school current expense funds to the State Board of Education and to the Appropriations Committees of the Senate and House of Representatives."

Requested by: Senator Ward,
Representative Diamont

**CLARIFICATION OF THE NORTH CAROLINA HIGH SCHOOL ATHLETIC ASSOCIATION UNDER THE STATE TORT CLAIMS ACT**

Sec. 19.33. (a) G.S. 143–291 is amended by adding a new subsection to read:

"(c) The North Carolina High School Athletic Association, Inc., is a State agency for purposes of this Article, and its liability in tort shall be only under this Article. This subsection does not extend to any independent contractor of the Association. The Association shall be obligated for payments under this Article, through the purchase of commercial insurance or otherwise, in lieu of any responsibility of the State or The University of North Carolina for this payment. The Association shall be similarly obligated to reimburse or have reimbursed the Department of Justice for any expenses in defending any claim against the Association under this Article."

(b) This section becomes effective with respect to causes of action arising on or after the date of ratification of this act.

Requested by: Representative Diamont,
Senator Daniel

**DIFFERENTIATED PAY**

Sec. 19.34. Of the funds appropriated in this act for State Aid to Local School Administrative Units for the 1994–95 fiscal year, the sum of nineteen million four hundred thousand dollars ($19,400,000) shall be used for differentiated pay for certified public school employees in local school administrative units other than the career development pilot units and the sum of ten million four hundred eight thousand nine hundred fifty dollars ($10,408,950) shall be used for differentiated pay for noncertified public school employees in career development pilot units and in local school administrative units that are not career development pilot units. Prior to October 1, 1994, each local board of education shall examine its differentiated pay plan for the 1994–95 fiscal year and modify it as necessary to ensure that the plan can be implemented with regard to (i) certified employees within State and local funds available for differentiated pay for certified employees and (ii) noncertified employees within State and local funds available for differentiated pay for noncertified employees. The local board shall submit the modified plan to the Superintendent of Public Instruction for approval. The Superintendent shall approve the plan if he finds that it is lawful and the plan shall become effective upon approval of the Superintendent.

**PART 20. DEPARTMENT OF TRANSPORTATION**

Requested by: Senator Lee,
Representatives McAllister, McLaughlin, Bowie, Lemmond

**DIVISION OF MOTOR VEHICLES TO REPORT ON EMISSION INSPECTION PROGRAM**

Sec. 20. The Division of Motor Vehicles shall report quarterly, beginning in January 1995, to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division, on the Emission Inspection Program's compliance with regulations the Environmental Protection Agency adopted for the inspection and maintenance activities required in the Clean Air Amendments of 1990. The report shall include the receipts and expenditures from the Emissions Program Account.

Requested by: Senator Lee,
Representatives McAllister, McLaughlin, Bowie, Lemmond

**BRANCH AGENT TRANSACTION RATE**

Sec. 20.1. Section 155 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 155. The Division of Motor Vehicles of the Department of Transportation shall compensate a contractor with whom it has a contract under G.S. 20–63(h) at the rate of ~~ninety-two cents (92¢)~~ one dollar ($1.00) for each transaction performed in accordance with the requirements set by the Division. A transaction is any of the following activities:

(1) Issuance of a registration plate, a registration card, a registration renewal sticker, or a certificate of title.
(2) Issuance of a handicapped placard or handicapped identification card.
(3) Acceptance of an application for a personalized registration plate.
(4) Acceptance of a surrendered registration plate, registration card, or registration renewal sticker, or acceptance of an affidavit stating why a person cannot surrender a registration plate, registration card, or registration renewal sticker.

(5) Cancellation of a title because the vehicle has been junked.
(6) Acceptance of an application for, or issuance of, a refund for a fee or a tax, other than the highway use tax.
(7) Receipt of the civil penalty imposed by G.S. 20–309 for a lapse in financial responsibility or receipt of the restoration fee imposed by that statute.
(8) Acceptance of a notice of failure to maintain financial responsibility for a motor vehicle.
(9) Collection of the highway use tax.

Performance at the same time of any combination of the items that are listed within each subdivision or are listed within subdivisions (1) through (8) of this section is a single transaction. Performance of the item listed in subdivision (9) of this section in combination with any other items listed in this section is a separate transaction."

Requested by: Senator Lee,
Representatives McAllister, McLaughlin, Bowie, Lemmond

**AIRCRAFT AND FERRY ACQUISITIONS**

Sec. 20.2. Before approving the purchase of an aircraft from the Equipment Fund or a ferry in a Transportation Improvement Program, the Board of Transportation shall prepare an estimate of the operational costs and capital costs associated with the addition of the aircraft or ferry and shall report those additional costs to the General Assembly pursuant to G.S. 136–12(b), and to the Joint Legislative Commission on Governmental Operations.

Requested by: Senators Speed, Lee,
Representatives McAllister, Bowie, McLaughlin, Lemmond

**REVIEW OF RIGHT–OF–WAY MOWING CONTRACTS**

Sec. 20.3. The Department of Transportation shall audit all contracts for mowing rights–of–way by non–Department personnel to determine whether the contractors are complying with the contract requirements. Not later than September 30, 1994, the Department shall report the results of this audit to the Joint Legislative Transportation Oversight Committee along with recommendations on the nonrenewal and cancellation of contracts when contractors are not meeting contract requirements.

Requested by: Senators Plyler, Lee,
Representatives Bowie, Lemmond, McLaughlin, McAllister

**SIGNING OF STATE–MAINTAINED COUNTY ROADS**

Sec. 20.4. Five hundred thousand dollars ($500,000) of the funds to be allocated pursuant to G.S. 136–44.2A for secondary road construction during the 1994–95 fiscal year shall be exempt from the county formula allocation in G.S. 136–44.5. The Department of Transportation shall utilize the funds so excluded for the signing of State–maintained county roads in the 17 counties where signing has not already been funded.

Requested by: Senator Lee,
Representatives Hall, Bowie, Lemmond, McLaughlin, McAllister

**ADOPT–A–HIGHWAY STUDY**

Sec. 20.5. The Department of Transportation and the Department of Justice shall study and report to the Joint Legislative Transportation Oversight Committee on the effectiveness of and legal issues relating to the Adopt–A–Highway Program. Included in the study and report shall be consideration of the legal issues relating to use of contract services to clean the roadsides and any appropriate legislation, the

passage of which may be necessary to permit the use of these contractors. This report shall be submitted to the Joint Legislative Transportation Oversight Committee no later than December 31, 1994. Notwithstanding any other provision of law, pending further action by the General Assembly, the use of contract services to meet the requirements of the Adopt–A–Highway Program shall be permitted on State roads.

Requested by: Representatives McAllister, McLaughlin, Bowie, Lemmond, Senator Lee

**GLOBAL TRANSPARK AUTHORITY TO REIMBURSE HIGHWAY FUND FROM FEDERAL SOURCES**

Sec. 20.6. When funds are provided from the Highway Fund to the Global TransPark Authority for environmental impact statements or assessments and the Global TransPark Authority applies for and receives reimbursement for those expenses from federal sources up to one million eight hundred thousand dollars ($1,800,000), the federal reimbursements shall be paid over by the Global TransPark Authority into the Highway Fund within 30 days of receipt. These funds shall be allocated to State–funded maintenance appropriations in the manner approved by the Board of Transportation.

Requested by: Representative Holmes, Bowie, Lemmond, McAllister, McLaughlin, Senator Lee

**DRIVERS EDUCATION FUND TO PAY SALARY INCREASES**

Sec. 20.7. The Drivers Education Fund shall pay the salary increases of the teachers or State employees whose positions are funded from the Drivers Education Fund.

Requested by: Representatives McAllister, McLaughlin, Bowie, Lemmond, Senator Lee

**RAILROAD REHABILITATION AND RAILROAD ACCESS FUNDS**

Sec. 20.8. If Senate Bill 62 is not enacted by the 1993 General Assembly, the funds appropriated from the Highway Fund for the transfer of three positions from the Utilities Commission to the Department of Transportation may be used for railroad access and railroad rehabilitation purposes.

Requested by: Senator Lee,
Representatives Redwine, Bowie, Lemmond, McAllister, McLaughlin

**SOME TEMPORARY DRAW BRIDGE OPERATOR POSITIONS CONVERTED TO PERMANENT FULL–TIME POSITIONS**

Sec. 20.9. Any temporary full–time draw bridge operator positions in the Department of Transportation that are filled by personnel who have worked for 12 or more months as of the effective date of this act, shall be converted to permanent full–time positions, subject to the approval of the Secretary of Transportation.

Requested by: Senator Lee,
Representatives R. Hunter, McAllister, McLaughlin, Bowie, Lemmond

**DEPARTMENT OF TRANSPORTATION AND DEPARTMENT OF CORRECTION TO REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE**

Sec. 20.10. The Departments of Transportation and Correction shall report, quarterly beginning October 1, 1994, to the Joint Legislative Transportation Oversight Committee on the implementation of the recommendations of the Inmate Labor Subcommittee.

Requested by: Senator Lee,
Representatives McAllister, McLaughlin, Bowie, Lemmond

**RELOCATION OF CERTAIN SANITARY DISTRICT UTILITIES**

Sec. 20.12. The Department of Transportation shall pay the nonbetterment cost for the relocation of water and sewer lines:

(1) that are located within the existing State highway right–of–way;
(2) that are necessary to be relocated for State highway improvement projects let after July 1, 1993; and
(3) that are owned by a sanitary district organized pursuant to Part 2 of Article 2 of Chapter 130A of the General Statutes.

## PART 21. DEPARTMENT OF CORRECTION

Requested by: Senators Odom, Ballance,
Representative Holt

**CORRECTION ENTERPRISES PREFERENCE**

Sec. 21. The Department of Administration, Division of Purchase and Contracts, shall prepare a written explanation of the purchasing procedures that State agencies and departments must follow in giving a preference to Correction Enterprises products pursuant to G.S. 148–70. The explanation shall be for distribution to all State agencies and departments.

The Department shall provide a report on the explanation prepared pursuant to this section and on goods purchased from Correction Enterprises by State agencies and departments to the Joint Legislative Commission on Governmental Operations and to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by August 1, 1994. The Department shall also provide a report on goods purchased from Correction Enterprises by State agencies and departments to the Joint Legislative Commission on Governmental Operations and to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by January 1, 1995.

Requested by: Senators Odom, Ballance,
Representative Holt

**DEPARTMENT OF CORRECTION RESERVE FOR SUBSTANCE ABUSE TREATMENT PILOT PROGRAM FOR PAROLEES AND PROBATIONERS**

Sec. 21.1. (a) Of the funds appropriated to the Department of Correction for the 1994–95 fiscal year, the sum of five hundred eighty–three thousand dollars ($583,000) shall be used to establish two positions and to cover associated expenses, including equipment. Of this amount, the sum of four hundred eighty–five thousand eight hundred thirty–four dollars ($485,834) shall be used to contract with providers of services to parolees and probationers with serious substance abuse histories.

(b) The Department of Correction shall report on the implementation of this pilot program and the expected cost for the 1995–96 fiscal year and future fiscal years to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the Legislative Services Office by January 15, 1995.

Requested by: Representatives Holt, Redwine, Richardson,
Senators Odom, Ballance

**USE OF OUT–OF–STATE HOUSING FUNDS**

Sec. 21.2. (a) As a result of the court's modification in the *Small v. Martin* lawsuit, the sum of five million one hundred sixty–four thousand four hundred seventy–three dollars ($5,164,473) to establish 144 additional positions needed to supervise an additional 800 inmates shall be provided from funds appropriated to the Department of Correction for the out–of–state housing of inmates in Chapter 24 of the Session Laws of the 1994 Extra Session.

(b) Of the funds appropriated to the Department of Correction for the out–of–state housing of inmates in Chapter 24 of the Session Laws of the 1994 Extra Session, the Department shall use up to the sum of two million seven hundred forty–nine thousand two hundred eight–four dollars ($2,749,284) to (i) establish two positions for the supervision of inmate road squads and work crews and to pay the *per diem* costs of inmates at prison units not covered by the *Small v. Martin* lawsuit; and (ii) establish 72 positions to achieve staffing standards and operate new beds at Black Mountain, Caswell, and Sandhills prison units and to provide for supervision of additional inmate road squads at Caswell prison unit.

(c) The Department of Correction shall not use any funds other than those specifically appropriated for out–of–state housing of inmates in Chapter 24 of the Session Laws of the 1994 Extra Session to pay the *per diem* costs of inmates housed out–of–state. The availability of out–of–state housing funds shall be reduced by (i) the amount needed to fund local confinement costs for offenders held in contempt for probation violations under G.S. 15A–1344(e1); and (ii) the amount required to comply with subsections (a) and (b) of this section. If the Department of Correction projects that funds will not be sufficient to meet all of its contracts for the out–of–state housing of inmates, the Department shall make the most appropriate use of funds remaining in the out–of–state line item to meet any existing operational needs for the out–of–state housing of inmates.

Requested by: Senators Odom, Ballance

**DEPARTMENT OF CORRECTION WAREHOUSE REPORT**

Sec. 21.4. The Department of Correction shall determine the most feasible location for a warehouse for the Department, based upon the distribution of warehouse goods to State correctional facilities, the availability of State–owned land, and the cost of leasing, purchasing, or constructing a warehouse. The Department shall report to the Joint Legislative Commission on Governmental Operations as soon as the determination has been made.

Requested by: Representatives Holt, Redwine, Richardson,
Senators Odom, Ballance, Lee, Marshall

**PRISON PROFITS TO VICTIMS COMPENSATION FUND**

Sec. 21.5. (a) G.S. 148–2 reads as rewritten:

**"§ 148–2. Prison moneys and earnings.**

(a) Persons authorized to collect or receive the moneys and earnings of the State prison system shall enter into bonds payable to the State of North Carolina in penal sums and with security approved by the Department of Correction, conditioned upon the faithful performance by these persons of their duties in collecting, receiving, and paying over prison moneys and earnings to the State Treasurer. Only corporate security with sureties licensed to do business in North Carolina shall be accepted.

(b) All revenues from the sale of articles and commodities manufactured or produced by prison enterprises shall be deposited with the State Treasurer to be kept and maintained as a special revolving working–capital fund designated 'Prison Enterprises Fund.' ~~The~~ Revenue in the Prison Enterprises Fund shall be ~~used for~~ applied first to capital and operating expenditures, including salaries and wages of supervisory personnel, necessary to develop and operate prison industrial and forestry enterprises to provide diversified employment for ~~prisoners.~~ prisoners, and incentive wages for non–Prison Enterprises Inmates. Of the remaining revenue in the Fund, five percent (5%) of the net profits, before expansion costs, shall be credited to the Crime Victims Compensation Fund established in G.S. 15B–23 as soon as practicable after profits have been determined for the previous year, and at the direction ~~When, in the opinion~~ of the Governor, ~~the Prison Enterprises Fund has reached a sum in excess of requirements for these purposes, the excess~~ the remainder shall be used for other purposes within the State prison system or shall be transferred to the ~~general fund as the Governor may direct.~~ General Fund. The provisions of this section shall not apply to revenues generated from private prison enterprises conducted pursuant to G.S. 148–70 except for lease and rental income.

(c) Notwithstanding G.S. 147–77, Article 6A of Chapter 147 of the General Statutes, or any other provision of law, the Department of Correction may deposit revenue from prison canteens in local banks. The profits from prison canteens shall be deposited with the State Treasurer on a monthly ~~basis~~. basis in a fund denominated as the Correction Inmate Welfare Fund. Once the operating budget for the Correction Inmate Welfare Fund has been met, an amount equal to the funds allocated to each prison unit on a per inmate per year basis shall be credited to the Crime Victims Compensation Fund established in G.S 15B–23 as soon as practicable after the total amount paid to each unit per inmate per year has been determined."

(b) G.S. 15B–23 reads as rewritten:

"**§ 15B–23. Crime Victims Compensation Fund.**

There is established the Crime Victims Compensation Fund. Revenue in the Crime Victims Compensation Fund includes amounts credited to the Fund under G.S. 148–2 and other funds. Any surplus in the Crime Victims Compensation Fund shall not revert. The Crime Victims Compensation Fund shall be kept on deposit with the State Treasurer, as in the case of other State funds, and may be invested by the State Treasurer in any lawful security for the investment of State money. The Crime Victims Compensation Fund is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes."

(c) The funds transferred to the Crime Victims Compensation Fund pursuant to this section shall not supplant current or future appropriations by the General Assembly to the Crime Victims Compensation Fund.

Requested by: Senators Odom, Ballance,
Representatives Holt, Redwine, Richardson

**HARRIET'S HOUSE FUNDS**

Sec. 21.6. Of the funds appropriated from the General Fund to the Department of Correction for the 1994–95 fiscal year, the sum of two hundred thousand dollars ($200,000) shall be used to support the programs at Harriet's House, a transitional home for female ex–offenders and their children. Harriet's House shall report quarterly to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on

the number of clients served and the number of clients who successfully complete the Harriet's House program.

Requested by: Representatives Holt, Redwine, Richardson,
Senators Marshall, Odom

**DEPARTMENT OF CORRECTION PAY LOCAL CONFINEMENT COST OF OFFENDER HELD IN CONTEMPT FOR PROBATION VIOLATION**

Sec. 21.7. (a) G.S. 15A–1344(e1), as enacted by Section 2 of Chapter 19 of the Session Laws of the 1994 Extra Session, reads as rewritten:

"(e1) Criminal Contempt in Response to Violation. — If a defendant willfully violates a condition of probation, the court may hold the defendant in criminal contempt as provided in Article 1 of Chapter 5A of the General Statutes. A finding of criminal contempt by the court shall not revoke the probation. If the offender serves a sentence for contempt in a local confinement facility, the Department of Correction shall pay for the confinement at the standard rate set by the General Assembly pursuant to G.S. 148–32.1(a) regardless of whether the offender would be eligible under the terms of that subsection."

(b) The Department of Correction shall comply with the provisions of this section with funds appropriated to the Department for out–of–state housing of inmates in Chapter 24 of the Session Laws of the 1994 Extra Session.

Requested by: Representatives Holt, Redwine, Richardson

**USE OF OPERATIONAL FUNDS FOR SECURITY AND MEDICAL POSITIONS**

Sec. 21.8. Section 171 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 171. Funds appropriated in this act to the Department of Correction for operational costs for additional facilities shall be used for personnel and operating expenses set forth in the budget approved by the General Assembly in this ~~act.~~ act and set forth in this section. These funds may not be expended for any other purpose, and may not be expended for additional prison personnel positions until the new facilities are within 90 days of completion, except for certain management and support positions necessary to prepare the facility for opening, as authorized in the budget approved by the General ~~Assembly.~~ Assembly, and except for medical positions at the North Carolina Correctional Institution for Women and positions needed for security due to construction at Wayne, Lumberton, Columbus, Piedmont, Brown Creek, Johnston, and Franklin prison units."

## PART 22. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Representatives Holt, Redwine, Richardson, Wright

**COMMUNITY POLICING PILOT PROGRAM**

Sec. 22.1. Of the funds appropriated to the Department of Crime Control and Public Safety for the 1994–95 fiscal year, the sum of two hundred thirty thousand seven hundred ninety dollars ($230,790) shall be allocated to the Office of the Secretary of Crime Control and Public Safety to implement a pilot program to provide technical assistance to communities in the development of community policing programs in high crime areas. The Secretary shall report by March 1, 1995, to the 1995 General Assembly regarding implementation of the pilot program and on any preliminary findings as to the benefits of the program.

Requested by: Representatives Holt, Fitch, H. Hunter, Redwine, Richardson, Wright

**MULTIJURISDICTIONAL DRUG TASK FORCE FUNDS**

Sec. 22.2. Of the funds appropriated in this act to the Department of Crime Control and Public Safety, the sum of two hundred fifty thousand dollars ($250,000) for the 1994–95 fiscal year shall be used as grants to the multijurisdictional drug task forces operating in Beaufort, Bertie, Bladen, Chowan, Columbus, Craven, Cumberland, Duplin, Edgecombe, Gates, Greene, Halifax, Hertford, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Pasquotank, Pender, Perquimans, Pitt, Tyrrell, Vance, Warren, Washington, Wayne, and Wilson Counties. Only local units of government shall be eligible to receive grants which shall be awarded pursuant to guidelines adopted by the Department of Crime Control and Public Safety. A minimum cash match of twenty–five percent (25%) shall be required.

Requested by: Representatives Holt, Baddour, Redwine, Richardson, Wright

**NATIONAL GUARD EDUCATIONAL BENEFIT INCREASE**

Sec. 22.3. G.S. 127A–193 reads as rewritten:

"**§ 127A–193. Benefit.**

The benefit provided under this Article shall consist of a monetary educational assistance grant not to exceed ~~five hundred dollars ($500.00)~~ one thousand dollars ($1,000) per academic year to qualifying members of the North Carolina national guard. Benefits shall be payable for a period of one academic year at a time, renewable at the option of the Secretary for a maximum of ~~two thousand dollars ($2,000).~~ four thousand dollars ($4,000)."

Requested by: Representatives Holt, Hightower, Senators Odom, Parnell

**REGIONAL RESPONSE TEAMS FOR HAZARDOUS MATERIALS EMERGENCIES**

Sec. 22.4. (a) Chapter 166A of the General Statutes is amended by designating the existing sections of Chapter 166A as Article 1 with a title to read:

"ARTICLE 1.

"North Carolina Emergency Management Act."

(b) Chapter 166A of the General Statutes is amended by adding a new Article 2 to read:

"ARTICLE 2.

"Hazardous Materials Emergency Response.

"**§ 166A–17. Title, purpose.**

(a) This Article may be cited as the 'North Carolina Hazardous Materials Emergency Response Act.'

(b) The purpose of this Article is to establish a system of regional response to hazardous materials emergencies in the State to protect the health and safety of its citizens.

"**§ 166A–18. Definitions.**

As used in this Article:

(a) 'Hazardous materials emergency response team' or 'hazmat team' means an organized group of persons specially trained and equipped to respond to and control actual or potential leaks or spills of hazardous materials.

(b) 'Hazardous material' means any material defined as a hazardous substance under 29 Code of Federal Regulations § 1910.120(a)(3).

(c) 'Hazardous materials incident' or 'hazardous materials emergency' means an uncontrolled release or threatened release of a hazardous substance requiring outside assistance by a local fire department or hazmat team to contain and control.

(d) 'Regional response team' means a hazmat team under contract with the State to provide response to hazardous materials emergencies occurring outside the hazmat team's local jurisdiction at the direction of the Department of Crime Control and Public Safety, Division of Emergency Management.

(e) 'Secretary' means the Secretary of the Department of Crime Control and Public Safety.

(f) 'Technician–level entry capability' means the capacity of a hazmat team, in terms of training and equipment as specified in 29 Code of Federal Regulations § 1910.120, to respond to a hazardous materials incident requiring affirmative measures, such as patching, plugging, or other action necessary to stop and contain the release of a hazardous substance at its source.

**"§ 166A–19. Hazardous materials emergency response program.**

(a) The Secretary shall adopt rules establishing a regional response program for hazardous materials emergencies, to be administered by the Division of Emergency Management. To the extent possible, the regional response program shall be coordinated with other emergency planning activities of the State. The regional response program shall include at least six hazmat teams located strategically across the State that are available to provide regional response to hazardous materials incidents requiring technician–level entry capability and 24–hour dispatch and communications capability at the Division of Emergency Management Operations Center. The rules for the program shall include:

(1) Standards, including training, equipment, and personnel standards required to operate a regional response team with technician–level entry capability.

(2) Guidelines for the dispatch of a regional response team to a hazardous materials incident.

(3) Guidelines for the on–site operations of a regional response team.

(4) Standards for administration of a regional response team, including procedures for reimbursement of response costs.

(5) Refresher and specialist training for members of regional response teams.

(6) Procedures for recovering the costs of a response to a hazardous materials incident from persons determined to be responsible for the emergency.

(7) Procedures for bidding and contracting for the provision of a hazmat team for the regional response program.

(8) Criteria for evaluating bids for the provision of a hazmat team for regional response.

(9) Delineation of the roles of the regional response team, local fire department and local public safety personnel, the Division of Emergency Management's area coordinator, and other State agency personnel responding to the scene of a hazardous materials incident.

(b) In developing the program and adopting rules, the Secretary shall consult with the Regional Response Team Advisory Committee established pursuant to G.S. 166A–24.

**"§ 166A–20. Contracts; equipment loans.**

(a) The Secretary may contract with any unit or units of local government for the provision of a regional response team to implement the regional response program. Contracts are to be let consistent with the bidding and contract standards and

procedures adopted pursuant to G.S. 166A-19(a)(7) and (8). In entering into contracts with units of local government, the Secretary may agree to provide:

(1) A loan of equipment, including a hazmat vehicle, necessary for the provision technician-level entry capability;

(2) Reimbursement of personnel costs when a regional response team is authorized by the Department to respond to a hazmat incident, including the cost of call-back personnel;

(3) Reimbursement for use of equipment and vehicles owned by the regional response team;

(4) Replacement of disposable materials and damaged equipment;

(5) Costs of medical surveillance for members of the regional response team, including baseline, maintenance, and exit physicals;

(6) Training expenses; and

(7) Other provisions agreed to by the Secretary and the regional response team.

(b) The Secretary shall not agree to provide reimbursement for:

(1) Costs of clean-up activities, after a spill or leak has been contained;

(2) Local response not requiring technician-level entry capability; or

(3) Standby time.

(c) Any contract entered into between the Secretary and a unit of local government for the provision of a regional response team shall specify that the members of the regional response team, when performing their duties under the contract, shall not be employees of the State and shall not be entitled to benefits under the Teachers' and State Employees' Retirement System or for the payment by the State of federal social security, employment insurance, or workers' compensation.

(d) Regional response teams that have the use of a State hazmat vehicle may use the vehicle for local purposes. Where a State vehicle is used for purposes other than authorized regional response to a hazardous materials incident, the regional response team shall be liable for repairs or replacements directly attributable to the nonauthorized response.

**"§ 166A-21. Immunity of Regional Response Team Personnel.**

Members of a regional response team shall be protected from liability under the provisions of G.S. 166A-14(a) while responding to a hazardous materials incident pursuant to authorization from the Division of Emergency Management.

**"§ 166A-22. Right of entry.**

A regional response team, when authorized to respond to a release or threatened release of hazardous materials, may enter onto any private or public property on which the release has occurred or on which there is an imminent threat of such release. A regional response team may also enter, under such circumstances, any adjacent or surrounding property in order to respond to the release or threatened release of hazardous material or to monitor, control, and contain the release or perform any other action in mitigation of a hazardous materials incident.

**"§ 166A-23. Regional Response Team Advisory Committee.**

(a) The Regional Response Team Advisory Committee is created. The Secretary shall appoint the members of the Committee and shall designate the chair. In making appointments, the Secretary shall take into consideration the expertise of the appointees in the management of hazardous materials emergencies. The Secretary shall appoint one representative from:

(1) The Division of Emergency Management;

(2) The North Carolina Highway Patrol;

(3) The Fire and Rescue Commission;
(4) The Department of Environment, Health, and Natural Resources;
(5) The Department of Transportation;
(6) The Department of Agriculture;
(7) The Chemical Industry Council of North Carolina;
(8) The N.C. Association of Hazardous Materials Responders;
(9) Each regional response team.

In addition to the persons listed above, the Secretary shall appoint to the Advisory Committee three persons designated jointly by the North Carolina Fire Chiefs Association and the North Carolina Firemen's Association.

(b) The Advisory Committee shall meet on the call of the chair, or at the request of the Secretary; provided that the Committee shall meet no less than once every three months. The Department of Crime Control and Public Safety shall provide space for the Advisory Committee to meet. The Department also shall provide the Advisory Committee with necessary support staff and supplies to enable the Committee to carry out its duties in an effective manner.

(c) Members of the Advisory Committee shall serve without pay, but shall receive travel allowance, lodging, subsistence, and *per diem* as provided by G.S. 138–5.

(d) The Regional Response Team Advisory Committee shall advise the Secretary on the establishment of the program for regional response to hazardous materials emergencies in the State. The Committee shall also evaluate and advise the Secretary of the need for additional regional response teams to serve the State.

**"§ 166A–24. Action for the recovery of costs of hazardous materials emergency response.**

A person who causes the release of a hazardous material requiring the activation of a regional response team shall be liable for all reasonable costs incurred by the regional response team in responding to and mitigating the incident. The Secretary shall invoice the person liable for the hazardous materials release, and, in the event of nonpayment, may institute an action to recover those costs in the superior court of the county in which the release occurred.

**"§ 166A–25. Hazardous Materials Emergency Response Fund.**

There is established in the Department of Crime Control and Public Safety a fund for those monies collected pursuant to G.S. 166A–24. The Fund is also authorized to accept any gift, grant, or donation of money or property to facilitate the establishment and operation of the regional response system."

(c) This section is effective upon ratification.

## PART 23. DEPARTMENT OF JUSTICE

Requested by: Senators Odom, Ballance,
Representative Holt

**USE OF SEIZED AND FORFEITED PROPERTY TRANSFERRED TO STATE LAW ENFORCEMENT AGENCIES BY THE FEDERAL GOVERNMENT**

Sec. 23. Section 204 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 204. (a) Assets transferred to the Department of Justice during the 1993–95 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of that Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1993–95 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of

that Department and shall result in an increase of law enforcement resources for the Department. The Departments shall report to the Joint Legislative Commission on Governmental Operations upon the receipt of these assets and, before using these assets, shall report the intended use of these assets and the departmental priorities on which the assets may be expended.

The General Assembly finds that the use of these assets for new personnel positions, new projects, the acquisition of real property, repair of buildings where such repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods; therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General ~~Assembly.~~ Assembly, except that during the 1993–95 biennium:

(1) The Department of Crime Control and Public Safety may use an amount not to exceed one hundred seventeen thousand one hundred dollars ($117,100) of these assets for the purpose of building a helicopter hangar; and

(2) The Department of Justice may use an amount not to exceed seventy–five thousand dollars ($75,000) of these assets for the purpose of constructing a pistol range tower to house the computerized target system located at the Justice Academy.

(b) This section does not apply to the extent that it prevents North Carolina law enforcement agencies from receiving funds from the United States Department of Justice pursuant to 19 U.S.C. § 1616a."

Requested by: Senators Odom, Ballance,
Representative Holt

**CENTRALIZED UTILIZATION OF LEGAL PUBLICATIONS**

Sec. 23.1. With the technical assistance of the Office of State Budget and Management, the Department of Justice shall conduct a cost analysis, formulate an implementation plan, and develop a funding recommendation for each of the following recommendations of the Office of State Budget and Management contained in the report of April 1994 on the Centralized Utilization of Legal Publications:

(1) The use of legal publications available on CD–ROM software and hardware; and

(2) The feasibility of developing a legal resource and legal research network.

The Employment Security Commission, Industrial Commission, Department of Labor, Department of Revenue, State Library, SIPS, and any other State agency, department, or institution that maintains a legal library shall cooperate with the Department of Justice in the determination of the feasibility of developing a legal resource and legal research network.

The Department of Justice shall report by February 1, 1995, to the 1995 General Assembly its cost analysis, implementation plan, and funding recommendations by submitting a copy of the report to the President *Pro Tempore* of the Senate, the Speaker of the House of Representatives, and the Fiscal Research Division.

Requested by: Representatives Holt, Redwine, Richardson,
Senators Odom, Ballance

**DEPARTMENT OF JUSTICE FEDERAL GRANT MATCHING FUNDS**

Sec. 23.2. (a) Of the funds appropriated to the Department of Justice for the 1994–95 fiscal year, the sum of twenty–five thousand two hundred twenty–eight

dollars ($25,228) may be used to match the federal grant for the Child Victim's Assistance Project within the Citizens Rights Division. In the event that the Department of Justice does not receive federal grant funds for this specific grant, then the matching funds authorized by this section for that purpose shall not be expended.

(b) Of the funds appropriated to the Department of Justice for the 1994–95 fiscal year, the sum of one hundred sixty–six thousand six hundred sixty–one dollars ($166,661) may be used by the State Bureau of Investigation to match federal funds for the purchase of a computerized system to match bullets and weapons. In the event that the Department of Justice does not receive federal grant funds for this purpose, then the funds authorized by this section for matching purposes shall not be expended.

Requested by: Senators Odom, Ballance, Conder

**CAPITAL MURDER STUDY**

Sec. 23.3. The Department of Justice, in consultation with the Administrative Office of the Courts, shall study methods of reducing the costs and the length of time associated with capital murder cases, and shall report its findings and any recommendations to the 1995 General Assembly.

Requested by: Representative Holt

**REVERSION OF CERTAIN INSURANCE SETTLEMENT PROCEEDS**

Sec. 23.5. Any funds received by the Department of Justice in settlement of insurance claims arising from damage to the Blue Bell building at the North Carolina Justice Academy shall not be expended by the Department and shall revert to the General Fund.

**PART 24. JUDICIAL DEPARTMENT**

Requested by: Senators Odom, Ballance,
Representative Holt

**FORSYTH WARRANT CLERKS BECOME MAGISTRATES**

Sec. 24. (a) The Administrative Office of the Courts may transfer 11 positions established within budget program fund 1260, "Clerk of Superior Court", in the certified budget for the 1993–95 biennium to budget program fund 1240, "District Court". These 11 positions shall be deleted from the positions allocated to the office of the Clerk of Superior Court of Forsyth County pursuant to Section 9 of Chapter 881 of the 1983 Session Laws, and shall be added to the magistrate positions allocated to Forsyth County pursuant to G.S. 7A–171, but shall not increase the maximum number of magistrates authorized for Forsyth County in G.S. 7A–133.

(b) Each magistrate position created in Forsyth County as a result of this section shall be filled pursuant to G.S. 7A–171 for an initial term ending December 31, 1994, as if a vacancy had occurred in the position on the effective date of this act. A successor in each position shall be appointed as provided in G.S. 7A–171 for a full term beginning January 1, 1995.

(c) The salary of each person who serves as a magistrate in Forsyth County in a position transferred pursuant to this section shall be determined under G.S. 7A–177.1, by including in the number of years the person has served as a magistrate, the number of years that the person has served as an assistant or Deputy Clerk of Superior Court for Forsyth County in a warrant clerk position.

(d) From funds appropriated to the Judicial Department in the certified budget for the 1994–95 fiscal year, the Administrative Office of the Courts may transfer within its budget up to forty–one thousand four hundred fifty–nine dollars ($41,459) to pay additional salary and benefits resulting from the enactment of this section.

Requested by: Representatives Holt, Redwine, Richardson,
Senators Odom, Ballance

**COMMUNITY PENALTIES PROGRAMS**

Sec. 24.1. (a) Of the funds appropriated from the General Fund to the Judicial Department for the 1994–95 fiscal year to conduct the community penalties programs, the sum of three million five hundred thirteen thousand six hundred fifty–eight dollars ($3,513,658) may be allocated by the Judicial Department in any amount among existing community penalties programs, including any State–operated programs, or may be used to establish new State–operated community penalties programs, notwithstanding the provisions of G.S. 7A–771 and G.S. 7A–772.

(b) The Judicial Department shall report annually to the Senate and House Appropriations Subcommittees on Justice and Public Safety and to the Fiscal Research Division on the administrative expenditures of the community penalties programs. The Judicial Department shall report quarterly to the Joint Legislative Commission on Governmental Operations on any elimination or reduction of funding for existing community penalties programs.

Requested by: Representatives Holt, Redwine, Richardson,
Senators Odom, Ballance

**STATE–RUN COMMUNITY PENALTIES PROGRAMS**

24.2. The Director of the Administrative Office of the Courts may establish local community penalties programs and appoint staff the Director considers necessary. These personnel may serve as full–time or part–time State employees or, alternatively, their activities may be provided on a contractual basis when determined appropriate by the Director. The contracts shall be exempt from competitive bidding procedures under Chapter 143 of the General Statutes. The Administrative Office of the Courts shall adopt rules necessary and appropriate for the administration of the program, including rules that allow plans to be presented at the request of the sentencing judge. Funds appropriated by the General Assembly for the establishment and maintenance of community penalties programs under this Article shall be administered by the Administrative Office of the Courts. Any contract entered into under the authority of this section shall expire not later than June 30, 1995.

Requested by: Senators Odom, Ballance, Daniel

**CHILDREN'S LAW CENTER FUNDS**

Sec. 24.5. Of the funds appropriated from the General Fund to the Judicial Department, the sum of one hundred thousand dollars ($100,000) shall be used to assist the Children's Law Center, a private, nonprofit corporation that provides comprehensive, quality legal representation and advocacy for children involved in court or administrative proceedings.

Requested by: Representatives Holt, Redwine, Richardson,
Senators Odom, Ballance

**PITT REGIONAL MEDIATION CENTER FUNDS**

Sec. 24.6. (a) Section 15 of Chapter 591 of the 1993 Session Laws is amended by deleting "Section 220.2" and substituting "Section 200.2".

(b) Section 200.2 of Chapter 321 of the 1993 Session Laws, as rewritten by Section 15 of Chapter 591 of the 1993 Session Laws, reads as rewritten:

"Sec. 200.2. Of the funds appropriated to the Judicial Department from the General Fund for the 1993–95 biennium, the sum of forty thousand dollars ($40,000) for the 1993–94 fiscal year and the sum of forty thousand dollars ($40,000) for the 1994–95

fiscal year may be used for The Mediation Center of Pitt County, Inc., a dispute settlement center in Pitt County, to establish a regional mediation and dispute settlement center to serve Eastern North Carolina. Funding for the Mediation Center of Pitt County, Inc., shall become part of the Judicial Department's continuation budget."

Requested by: Senators Odom, Ballance,
Representative Holt

**EXTEND CERTAIN SPECIAL SUPERIOR COURT JUDGE TERMS**

Sec. 24.7. Notwithstanding G.S. 7A–45, G.S. 7A–45.1, Section 7 of Chapter 509 of the 1987 Session Laws, or any other provision of law, if any special superior court judge who is holding office on the effective date of this act first took office as an appointed or elected regular or special superior court judge in the calendar year 1986, the term of that judge is extended through December 31, 1998.

Requested by: Representatives Holt, Redwine, Richardson

**STUDY DRUG TREATMENT COURT PROGRAM**

Sec. 24.8. The Administrative Office of the Courts, in consultation with the Task Force on Substance Abuse, shall study the costs and benefits of establishing pilot drug treatment court programs. The study shall include a determination of the appropriate model for operating a pilot drug treatment court program. The Administrative Office of the Courts shall report its findings and any recommendations to the 1995 General Assembly by March 1, 1995. The sum of eight hundred thousand dollars ($800,000) placed in a reserve created in Section 41 of Chapter 24 of the Session Laws of the 1994 Extra Session shall not revert but shall remain available for allocation by the 1995 General Assembly.

Requested by: Representatives Holt, Redwine, Richardson

**REPORT ON DISPUTE SETTLEMENT CENTERS**

Sec. 24.8. (a) All local dispute settlement centers currently receiving State funds shall report annually to the Judicial Department on the program's funding and activities, including:

(1) Types of dispute settlement services provided;
(2) Clients receiving each type of dispute settlement service;
(3) Number and type of referrals received, cases actually mediated, cases resolved in mediation, and total clients served in the cases mediated;
(4) Total program funding and funding sources;
(5) Itemization of the use of funds, including operating expenses and personnel;
(6) Itemization of the use of State funds;
(7) Level of volunteer activity; and
(8) Identification of future service demands and budget requirements.

The Judicial Department shall compile and summarize the information provided pursuant to this subsection and shall provide the information to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by February 1 of each year.

(b) Each local dispute settlement center requesting State funds for the first time shall provide the General Assembly with (i) the information enumerated in subsection (a) of this section, or projections where historical data is not available, as well as a detailed statement justifying the need for State funding, and (ii) certification that at least fifty percent (50%) of total funding for the first fiscal year in which funding is requested shall come from non–State sources and, if funding is requested for a second

fiscal year, certification that at least sixty percent (60%) of total funding for the second fiscal year shall come from non–State sources.

(c) Each local dispute settlement center requesting an expansion of State funding shall provide the General Assembly with (i) the information enumerated in subsection (a) of this section, or projections where historical data is not available, as well as a detailed statement justifying the need for the expansion of State funding, and (ii) certification that at least sixty percent (60%) of total funding shall come from non–State sources.

Requested by: Representatives Holt, R. Hunter, Redwine, Richardson

**AUTHORIZE ADDITIONAL MAGISTRATES IN CATAWBA, MCDOWELL, AND IREDELL COUNTIES**

Sec. 24.9. G.S. 7A–133 reads as rewritten:

**"§ 7A–133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.**

Each district court district shall have the numbers of judges and each county within the district shall have the numbers of magistrates and additional seats of court, as set forth in the following table:

| District | Judges | County | Magistrates Min.–Max. | | Additional Seats of Court |
|---|---|---|---|---|---|
| 1 | 4 | Camden | 1 | 2 | |
| | | Chowan | 2 | 3 | |
| | | Currituck | 1 | 2 | |
| | | Dare | 3 | 8 | |
| | | Gates | 2 | 3 | |
| | | Pasquotank | 3 | 4 | |
| | | Perquimans | 2 | 3 | |
| 2 | 3 | Martin | 5 | 8 | |
| | | Beaufort | 4 | 8 | |
| | | Tyrrell | 1 | 3 | |
| | | Hyde | 2 | 4 | |
| | | Washington | 3 | 4 | |
| 3A | 3 | Pitt | 10 | 12 | Farmville<br>Ayden |
| 3B | 4 | Craven | 7 | 10 | Havelock |
| | | Pamlico | 2 | 3 | |
| | | Carteret | 5 | 8 | |
| 4 | 6 | Sampson | 6 | 8 | |
| | | Duplin | 9 | 11 | |
| | | Jones | 2 | 3 | |
| | | Onslow | 8 | 14 | |
| 5 | 6 | New Hanover | 6 | 11 | |
| | | Pender | 4 | 6 | |
| 6A | 2 | Halifax | 9 | 14 | Roanoke Rapids,<br>Scotland Neck |
| 6B | 2 | Northampton | 5 | 6 | |
| | | Bertie | 4 | 5 | |
| | | Hertford | 5 | 6 | |

| | | | | | |
|---|---|---|---|---|---|
| 7 | 6 | Nash | 7 | 10 | Rocky Mount |
| | | Edgecombe | 4 | 6 | Rocky Mount |
| | | Wilson | 4 | 6 | |
| 8 | 6 | Wayne | 5 | 11 | Mount Olive |
| | | Greene | 2 | 4 | |
| | | Lenoir | 4 | 10 | La Grange |
| 9 | 4 | Granville | 3 | 7 | |
| | | Vance | 3 | 5 | |
| | | Warren | 3 | 4 | |
| | | Franklin | 3 | 6 | |
| 9A | 2 | Person | 3 | 4 | |
| | | Caswell | 2 | 5 | |
| 10 | 12 | Wake | 12 | 20 | Apex, Wendell, Fuquay–Varina, Wake Forest |
| 11 | 6 | Harnett | 7 | 11 | Dunn |
| | | Johnston | 10 | 12 | Benson, Clayton and Selma |
| | | Lee | 4 | 6 | |
| 12 | 7 | Cumberland | 10 | 17 | |
| 13 | 4 | Bladen | 4 | 6 | |
| | | Brunswick | 4 | 7 | |
| | | Columbus | 6 | 8 | Tabor City |
| 14 | 5 | Durham | 8 | 12 | |
| 15A | 3 | Alamance | 7 | 10 | Burlington |
| 15B | 3 | Orange | 4 | 11 | Chapel Hill |
| | | Chatham | 3 | 8 | Siler City |
| 16A | 2 | Scotland | 3 | 5 | |
| | | Hoke | 4 | 5 | |
| 16B | 5 | Robeson | 8 | 16 | Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls |
| 17A | 2 | Rockingham | 4 | 9 | Reidsville, Eden, Madison |
| 17B | 3 | Stokes | 2 | 5 | |
| | | Surry | 5 | 8 | Mt. Airy |
| 18 | 11 | Guilford | 20 | 26 | High Point |
| 19A | 2 | Cabarrus | 5 | 9 | Kannapolis |
| 19B | 3 | Montgomery | 2 | 4 | |
| | | Randolph | 5 | 8 | Liberty |
| 19C | 2 | Rowan | 5 | 10 | |

| | | | | | |
|---|---|---|---|---|---|
| 20 | 6 | Stanly | 5 | 6 | |
| | | Union | 4 | 6 | |
| | | Anson | 4 | 5 | |
| | | Richmond | 5 | 6 | Hamlet |
| | | Moore | 5 | 8 | Southern Pines |
| 21 | 7 | Forsyth | 3 | 15 | Kernersville |
| 22 | 6 | Alexander | 2 | 3 | |
| | | Davidson | 7 | 10 | Thomasville |
| | | Davie | 2 | 3 | |
| | | Iredell | 4 | ~~8~~ 9 | Mooresville |
| 23 | 3 | Alleghany | 1 | 2 | |
| | | Ashe | 3 | 4 | |
| | | Wilkes | 4 | 6 | |
| | | Yadkin | 3 | 5 | |
| 24 | 3 | Avery | 3 | 4 | |
| | | Madison | 4 | 5 | |
| | | Mitchell | 3 | 4 | |
| | | Watauga | 4 | 6 | |
| | | Yancey | 2 | 4 | |
| 25 | 7 | Burke | 4 | 7 | |
| | | Caldwell | 4 | 7 | |
| | | Catawba | 6 | ~~9~~ 10 | Hickory |
| 26 | 13 | Mecklenburg | 15 | 26 | |
| 27A | 5 | Gaston | 11 | 20 | |
| 27B | 4 | Cleveland | 5 | 8 | |
| | | Lincoln | 4 | 6 | |
| 28 | 5 | Buncombe | 6 | 15 | |
| 29 | 4 | Henderson | 4 | 6 | |
| | | McDowell | 3 | 4 5 | |
| | | Polk | 3 | 4 | |
| | | Rutherford | 6 | 8 | |
| | | Transylvania | 2 | 4 | |
| 30 | 4 | Cherokee | 3 | 4 | |
| | | Clay | 1 | 2 | |
| | | Graham | 2 | 3 | |
| | | Haywood | 5 | 7 | Canton |
| | | Jackson | 3 | 4 | |
| | | Macon | 3 | 4 | |
| | | Swain | 2 | 3." | |

Requested by: Representatives G. Miller, Michaux, Holt, Redwine, Richardson

**CORRECT JUDICIAL TERM**

Sec. 24.12. (a) If the superior court judge holding office on June 1, 1994 whose successor's term is to begin July 1, 1995 under G.S. 7A–41(d)(25) is not a regular superior court judge on January 1, 1995, then the succeeding term begins January 1, 1995, and the remainder of this section does not apply.

(b) If the superior court judge holding office on June 1, 1994 whose successor's term is to begin July 1, 1995 under G.S. 7A–41(d)(25) ceases to be a regular superior

court judge between January 1, 1995 and July 1, 1995, the term of that judge's successor begins on the date that judge ceases to be a regular superior court judge.

(c) If in superior court district 14B only one of the three persons elected for that district in the 1994 general election is a special superior court judge on January 1, 1995, then that person is the successor to the judge whose term was determined by G.S. 7A–41(d)(25), but in such case the successor's service as a special superior court judge shall be considered service as a regular resident superior court judge under G.S. 7A–41.1(b)(2).

(d) If subsection (c) of this section does not apply, in superior court district 14B the State Board of Elections shall choose by lot among those persons elected in 1994 who were not regular superior court judges, and the person chosen by lot is the successor to the judge whose term was determined by G.S. 7A–41(d)(25).

## PART 25. DEPARTMENT OF HUMAN RESOURCES

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling

**MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES PROVIDERS/MEDICAID RECEIPTS**

Sec. 25. The Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Human Resources shall initiate efforts to enable service providers to realize additional Medicaid receipts for services provided through the Willie M. and Thomas S. programs and shall present the results of their efforts to the Human Resources Appropriations Subcommittees by March 1, 1995.

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

**PRIVATE AGENCY UNIFORM COST FINDING REQUIREMENT**

Sec. 25.1. To ensure uniformity in rates charged to area programs and funded with State–allocated resources, the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Human Resources may require a private agency that provides services under contract with two or more area programs, except for hospital services that have an established Medicaid rate, to complete an agency–wide uniform cost finding in accordance with G.S. 122C–143.2(a) and G.S. 122C–147.2. The resulting cost shall be the maximum included for the private agency in the contracting area program's unit cost finding.

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

**THOMAS S.**

Sec. 25.3. Section 209 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 209. (a) Funds appropriated to the Department of Human Resources in this act for the 1993–94 fiscal year and the 1994–95 fiscal year for members of the Thomas S. Class as identified in *Thomas S., et al. v. Britt*, formerly *Thomas S., et al. v. Flaherty*, shall be expended only for programs serving Thomas S. Class members or for services for those clients who are:

(1) Adults with mental retardation, or who have been treated as if they had mental retardation, who were admitted to a State psychiatric hospital on or after March 22, 1984, and who are included on the Division of Mental

Health, Developmental Disabilities, and Substance Abuse Services' official list of prospective Class members;

(2) Adults with mental retardation who have a documented history of State psychiatric hospital admissions regardless of admission date and who, without funding support, have a good probability of being readmitted to a State psychiatric hospital; ~~or~~

(3) Adults with mental retardation who have never been admitted to a State psychiatric hospital but who have a documented history of behavior determined to be of danger to self or others that results in referrals for inpatient psychiatric treatment and who, without funding support, have a good probability of being admitted to a State psychiatric ~~hospital.~~ hospital; or

(4) Adults who are included on the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services' official list of prospective class members and have yet to be confirmed as class members, who currently reside in the community, and who have a good probability of being admitted to a facility licensed as a 'home for the aged and disabled'.

No more than five percent (5%) of the funds appropriated in this act for the Thomas S. program shall be used for clients meeting subdivisions ~~(2) or (3)~~ (2), (3), or (4) of this subsection.

(b) To ensure that Thomas S. Class members are appropriately served, no State funds shall be expended on placement and services for Thomas S. Class members except:

(1) Funds specifically appropriated by the General Assembly for the placement and services of Thomas S. Class members; and

(2) Funds for placement and services for which Thomas S. Class members are otherwise eligible.

(c) The Department of Human Resources shall develop and implement during the 1993–94 fiscal year a prospective unit cost reimbursement system and shall ensure that unit cost rates reflect reasonable costs by conducting cost center service type rate comparisons and cost center line item budget reviews as may be necessary.

(d) Reporting requirements. The Department of Human Resources shall submit by April 1 of each fiscal year a report to the General Assembly on the progress achieved in serving members and prospective members of the Thomas S. Class. The report shall include the following:

(1) The number of Thomas S. clients confirmed as Class members;

(2) The number of prospective Class members evaluated;

(3) The number of prospective Class members awaiting evaluation;

(4) The number of Class members or prospective class members added in the preceding 12 months due to their admission to a State psychiatric hospital;

(5) A description of the types of treatment services provided to Class members; and

(6) An analysis of the use of funds appropriated for the Class.

(e) Notwithstanding any other provision of law, if the Department of Human Resources determines that a local program is not providing minimally adequate services to members of the Class identified in *Thomas S., et al. v. Britt*, formerly *Thomas S., et al. v. Flaherty*, or does not show a willingness to do so, the Department may ensure the provision of these services through contracts with public or private agencies or by direct operation by the Department of these programs."

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling

**CHANGE IN PLANNING AND PILOT IMPLEMENTATION OF AN INTEGRATED FUNDING APPROACH FOR MENTAL HEALTH/SUBSTANCE ABUSE INSTITUTIONAL SERVICES**

Sec. 25.4. Section 218 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 218. ~~The Department of Human Resources shall develop and implement a plan during the 1993-95 fiscal biennium to pilot-test an integrated funding system for mental health/substance abuse institutional services, involving one regional psychiatric hospital, one regional alcohol and drug abuse treatment center, and the area mental health, developmental disabilities, and substance abuse programs using these facilities. The Department may use funds that become available to it through gifts, federal or private grants, receipts from federal programs, or any other source to support the planning and implementation of this pilot program.~~

~~The Department shall present a written report to the House and Senate Human Resources Appropriations Subcommittees by May 1, 1994, describing the results of its planning activities, the proposed schedule and cost for implementation of the integrated funding system and any proposed legislation needed to implement the plan. The Department shall submit a written report to these Subcommittees by May 1, 1995, describing the results of the implementation of the integrated funding system.~~

The Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, shall present a written report on a UNIFIED SYSTEM OF SERVICES to the Human Resources Appropriations Subcommittees by March 1, 1995. The report shall describe the UNIFIED SYSTEM OF SERVICES using an integrated funding stream to provide a practical-needs-based approach to the use of limited resources within the Mental Health, Developmental Disabilities, and Substance Abuse Services System and shall include a proposal for a pilot test of the UNIFIED SYSTEM OF SERVICES in the North Central Region,including an estimation of the cost of implementing the pilot test. The UNIFIED SYSTEM OF SERVICES shall focus on improvement to the quality and continuity of client care and shall include changes in budget or personnel policies or practices necessary to implement a unified system of services. These changes shall be based on consultation with the Office of State Budget and Management and the Office of State Personnel."

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling

**NONSUPPLANTING OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE FUNDS**

Sec. 25.5. The Department of Human Resources shall ensure that counties do not reduce county appropriations and expenditures for area mental health, developmental disabilities, and substance abuse authorities because the authorities have received additional State appropriations for services.

Requested by: Senator Daniel,
Representatives Nye, Easterling

**DOMICILIARY HOMES/STAFFING ISSUES**

Sec. 25.6. The Department of Human Resources shall study the fiscal impact for all Homes for the Aged and Family Care Homes for appropriate staffing, staff turnover ratios, wages and benefits, staff training, and abilities for facilities to operate within existing State and federal law and regulations, according to size and type of facility.

The Department shall submit a report of its findings to the 1995 General Assembly and to the Fiscal Research Division of the Legislative Services Office by February 1, 1995.

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling

**USE OF DETENTION CENTER CONSTRUCTION RESERVE**

Sec. 25.7. The Department of Human Resources, Division of Youth Services, shall use the one million six hundred thousand dollars ($1,600,000) placed in a reserve for detention center construction in Section 67 of Chapter 24 of the Session Laws of the 1994 Extra Session, to construct a 24–bed detention center in Wake County.

Requested by: Senator Richardson, Walker,
Representatives Easterling, Nye

**EMERGENCY ASSISTANCE CLARIFICATION**

Sec. 25.8. (a) Effective June 30, 1994, G.S. 108A–39.1 reads as rewritten:

**"§ 108A–39.1. AFDC Emergency Assistance Program.**

The Social Services Commission shall adopt rules to implement cash assistance and services components of the Aid to Families with Dependent Children–Emergency Assistance (AFDC–EA) Program. Effective November 1, 1986, the Department of Human Resources, Division of Social Services, shall provide ~~emergency~~ cash assistance to families whose family income does not exceed one hundred ten percent (110%) of the current federal poverty level as established by the U. S. Secretary of Health and Human Services and published annually in the Federal Register. Annual ~~program benefits~~ cash assistance ~~may~~ shall not exceed ~~five hundred dollars ($500.00).~~ three hundred dollars ($300.00). ~~Funding~~ State appropriations made for the ~~non-federal~~ nonfederal share of Emergency Assistance services and cash benefits shall ~~be shared at~~ not exceed a rate of ~~fifty percent (50%) State participation and fifty percent (50%) county participation.~~ fifty percent (50%) of the nonfederal share. For cash benefits authorized by any agency, the nonfederal share of the benefit shall be paid at a rate of fifty percent (50%) State funds and fifty percent (50%) county or other local funds. For cash benefits authorized by any State or local agency other than a county department of social services, the Department of Human Resources may assess the county for fifty percent (50%) of the nonfederal share of cash benefits authorized. For services benefits authorized by any agency, the nonfederal share of the benefit shall be paid by that agency entirely from county appropriations or other available public or private funds. Federal reimbursements earned through participation in this Program shall be paid to the participants in proportion to their payment of the nonfederal share."

(b) Section 232 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 232. The Division of Social Services, Department of Human Resources, shall not expend more State funds than are appropriated for ~~Emergency Assistance~~ the cash assistance component of the Emergency Assistance Program ~~by this act.~~ for the 1993–95 fiscal biennenium. Within this limit, Emergency Assistance cash benefits shall not exceed three hundred dollars ($300.00) per year per family, payable over a 30–day period. After this 30–day period, Emergency Assistance cash benefits are not available to that family until 12 months have elapsed from the initial authorization date. The family may have no more than a total of three hundred dollars ($300.00) in liquid assets in order to qualify for ~~any Emergency Assistance~~ the cash assistance component of the Emergency Assistance Program pursuant to this section.

It is the intent of the General Assembly that ~~these Emergency Assistance funds~~ cash benefits under the Emergency Assistance Program shall only be used to provide assistance to persons to alleviate an emergency. In evaluating whether an emergency exists, the ~~county departments of social services~~ agency receiving the application shall apply prudent judgment to evaluate each emergency on its own merits. Prudent judgment will permit ~~departments of social services~~ the agency to consider whether the client created the emergency and whether the assistance will resolve the emergency."

Requested by: Senators Richardson, Walker, Winner of Mecklenburg,
Representatives Nye, Easterling,

**EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES LOCAL PARTNERSHIP FUNDING FOR ADMINISTRATIVE COSTS**

Sec. 25.9. The Secretary of Human Resources may allow local partnerships receiving funds for Early Childhood Education and Development Initiatives to use up to five percent (5%) or up to one hundred thousand dollars (100,000) of their total allocation, whichever is greater, to fund the staff and administrative support for local partnership board activities if the local partnership demonstrates that this additional administrative funding is needed.

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling

**CHILD WELFARE SYSTEM STUDY**

Sec. 25.10. Of the funds appropriated in this act to the Department of Human Resources, Office of the Secretary, the sum of one hundred fifty thousand dollars ($150,000) shall be used to contract for an independent, outside consultant to conduct a comprehensive study of the child welfare system. The study shall include the following:

(1) A description of the current child welfare system;
(2) An identification of the strengths and weaknesses of the current system;
(3) A review of the current funding of the system, with emphasis on State and local responsibilities;
(4) Recommendations on how to improve and refine the system, with emphasis on addressing the comprehensive needs of the children and families being served;
(5) Options for future policy discussions, with emphasis on State and local funding responsibilities; and
(6) Recommendations on the development of a statewide reporting system.

The Department shall report the results of this study to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division by February 15, 1995.

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye, Diamont

**FOSTER CARE AND ADOPTIONS TRAINING**

Sec. 25.11. Funds appropriated to the Department of Human Resources, Division of Social Services, in this act, in the amount of one hundred eighty–one thousand two hundred seventy dollars ($181,270), shall be used to establish an in–house training component to provide a mandated minimum of 30 hours of preservice training for foster care parents and 84 hours for foster care workers and adoption care workers and a mandated minimum of 10 hours of continuing education for all foster care parents and 18 hours for foster care workers and adoption care workers.

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling, Diamont

**FOSTER CARE ASSESSMENT TOOL**

Sec. 25.12. Funds appropriated to the Department of Human Resources, Division of Social Services, in this act, in the amount of fifteen thousand one hundred sixty-seven dollars ($15,167) shall be used to purchase the Foster and Adoptive Recruitment and Retention, A Guide to Local Agency Assessment, an ongoing assessment tool to be used to study, develop, and implement a statewide recruitment and retention plan.

Requested by: Senators Richardson, Walker, Harris,
Representatives Nye, Easterling, Diamont

**MEDICAID COVERAGE FOR ELDERLY, BLIND, AND DISABLED**

Sec. 25.13. Effective January 1, 1995, the Department of Human Resources, Division of Medical Assistance, shall provide Medicaid coverage to all elderly, blind, and disabled people who receive Supplemental Security Income (SSI).

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

**MEDICAID REPORTING REQUIREMENTS**

Sec. 25.14. The Department of Human Resources, Division of Medical Assistance, shall submit a monthly status report on expenditures for acute care and long-term care services to the Fiscal Research Division. This report shall include an analysis of budgeted versus actual experience for eligibles by category and for long-term care beds. In addition, the Department shall revise the program's projected spending for the current fiscal year and the estimated spending for the subsequent fiscal year on a quarterly basis. Reports for the preceding month shall be forwarded to the Fiscal Research Division no later than the third Thursday of the month.

Requested by: Senators Richardson, Walker, Harris,
Representatives Easterling, Nye, Diamont

**CHANGE IN MEDICAID COVERAGE TO PREGNANT WOMEN AND TO CHILDREN**

Sec. 25.16. Subsection (l) of Section 222 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(l) The Department of Human Resources shall provide coverage to pregnant women and to children according to the following schedule:

(1) Pregnant women with incomes equal to or less than one hundred eighty-five percent (185%) of the federal poverty guidelines, as revised each April 1 shall be covered for Medicaid benefits;

(2) Infants under the age of 1 with family incomes equal to or less than one hundred eighty-five percent (185%) of the federal poverty guidelines as revised each April 1, shall be covered for Medicaid benefits;

(3) Children aged 1 through 5 with family incomes equal to or less than one hundred thirty-three percent (133%) of the federal poverty guidelines as revised each April 1 shall be covered for Medicaid benefits; and

(4) Children aged 6 through 18 ~~who were born after September 30, 1983,~~ with family incomes equal to or less than the federal poverty guidelines, as revised each April 1, shall be covered for Medicaid benefits."

Requested by: Representatives Nye, Easterling, Dickson, Esposito, Senator Richardson

**WILLIE M. RULES**

Sec. 25.17. Section 208 of Chapter 321 of the 1993 Session Laws is amended by adding the following new subsection to read:

"(j) The Secretary of the Department of Human Resources shall adopt rules to be followed in the provision of services for disabled, violent, and assaultive children who have not reached their eighteenth birthday. These rules shall allow for the continuation of services to any child the Secretary determines is being appropriately served until the end of the fiscal year in which the child reaches the age of 18 or until six months after the child reaches the age of 18, whichever period is longer."

Requested by: Representatives Nye, Easterling, Dickson, Esposito, Senators Richardson, Walker

**CLIENT SERVICES MONITORING**

Sec. 25.18. The Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, shall develop and implement a system of monitoring and control for client services. This system shall ascertain whether services are provided in a timely manner. Notwithstanding any other provisions of law, the Division shall withhold Area Mental Health Agencies' administrative funds until services are provided in a timely manner.

Requested by: Representatives Nye, Easterling, Esposito, Dickson, Senators Richardson, Walker

**1993 COUNSELING ACT CORRECTION**

Sec. 25.19. G.S. 90–338, as amended by Section 3 of Chapter 685 of the 1993 Session Laws, Regular Session 1994, reads as rewritten:

**"§ 90–338. Exemptions.**

Applicants holding certificates of registration as Registered ~~practicing~~ Practicing Counselors and in good standing with the Board shall be issued licenses as licensed professional counselors without meeting the requirements of G.S. 90–336(b). The following applicants shall be exempt from the academic qualifications required by this Article for licensed professional counselors and shall be licensed upon passing the Board examination ~~or~~ and meeting the experience requirements:

(1) An applicant who was engaged in the practice of counseling before July 1, 1993.

(2) An applicant who holds a masters degree from a college or university accredited by one of the regional accrediting associations or from a college or university determined by the Board to have standards substantially equivalent to a regionally accredited institution, provided the applicant was enrolled in the masters program prior to July 1, 1994."

Requested by: Senators Richardson, Walker, Harris, Representatives Nye, Easterling, Alexander, H. Hunter

**COALITION 2001 FUNDS**

Sec. 25.20. The sum of six million dollars ($6,000,000) appropriated in this act to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services for the capital needs of mental health, developmental disabilities, and substance abuse services recommended by Coalition 2001 shall be allocated as follows:

(1) $3,600,000 for community area mental health, developmental disabilities, and substance abuse services capital needs.

No area program shall receive more than ten percent (10%) of the total funds appropriated in this fiscal year for area program capital needs.

At least ten percent (10%) of the capital funds shall be awarded by the Department of Human Resources to area programs for projects in counties that fall within the last quartile of either per capita income, according to the most recent North Carolina Data System Rankings or of property valuation, according to the most recent North Carolina Department of Revenue rankings. The Department shall not require a local match for these counties. The Department shall require a dollar–for–dollar local match for capital funds awarded for projects in all other counties. Capital in–kind contributions from area programs or counties shall be considered in meeting the local matching requirement. The Department shall determine acceptable requirements for determining sources of allowable matching funds, whether cash or in–kind.

The Department may also allocate a portion of this three million six hundred thousand dollars ($3,600,000) to the Center for Community Self–Help, a local private, nonprofit corporation, to enable the Center to establish a revolving loan fund. The Center shall use funds from the revolving loan fund, in accordance with guidelines established by by the Secretary of the Department of Human Resources, to leverage additional funds to meet the capital needs of the area mental health authorities. The Department shall report any such proposed allocation to the Center, to the Joint Legislative Commission on Governmental Operations, and to the House of Representatives and the Senate Human Resources Subcommittees on Appropriations prior to the allocation.

All area program capital grants are subject to the Department of Human Resources' approval of the grant application;

(2) $1,020,000 for construction and renovation of Developmental Day Centers;

(3) $600,000 for construction and renovation of vocational rehabilitation facilities;

(4) $120,000 for implementation of three community rehabilitation pilot projects to be selected by the North Carolina Association of Rehabilitation Facilities;

(5) $240,000 for supported living projects of the Association for Retarded Citizens and United Cerebral Palsy, Inc.; and

(6) $420,000 for local assistive technology and a housing loaner fund to be administered through the Community Living Association.

Requested by: Representatives Nye, Easterling, Esposito, Dickson, Senators Richardson, Walker

**DETERMINATION OF BUDGETARY IMPACT OF ADDITIONAL BEDS IN DOMICILIARY CARE FACILITIES**

Sec. 25.22. Pursuant to G.S. 131E–177(4), in order to determine the budgetary impact of additional beds in domiciliary care facilities, the Department of Human Resources shall, by January 1, 1996, develop policy, criteria, and standards for planning, conduct inventories, and make determinations of need for health services facilities, domiciliary care facilities, and any other assisted living arrangements subject to any State licensing requirements.

The Department shall report on its progress in implementing this section to the 1995 General Assembly by March 15, 1995.

The plans and need determinations shall not be included in the State Medical Facilities Plan but shall be used to assist the General Assembly in determining the budgetary impact of additional beds in domiciliary care facilities.

Requested by: Representatives Easterling, Nye, Dickson, Esposito, Senators Richardson, Walker

**PILOT SUBSIDY FOR DOMICILIARY HOMES FOR SERVICES TO DEVELOPMENTALLY DISABLED RESIDENTS REPORTING EXTENDED**

Sec. 25.23. Section 241 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 241. Notwithstanding the provisions of G.S. 143–23, the Secretary of Human Resources, with the approval of the Office of State Budget and Management, may use, to the extent possible, any funds appropriated or otherwise available to the Department in the 1993–94 fiscal year to conduct a pilot of a subsidy to homes for the aged and disabled and family care homes to support the provisions of habilitative and related services needed by developmentally disabled persons who reside there. The Department shall present the results of the pilot to the General Assembly by ~~July 1, 1994.~~ April 15, 1995."

Requested by: Representatives Easterling, Nye, Esposito, Dickson, Senators Richardson, Walker

**DEVELOPMENT OF RATE–SETTING METHODOLOGY FOR DOMICILIARY CARE FACILITIES CONTINUED/RECOMMENDATIONS ON STANDARDS, MONITORING**

Sec. 25.24. The Department of Human Resources shall continue development of the rate–setting methodology for domiciliary care facilities proposed by the Department in the report made to the General Assembly in accordance with the requirements of Section 240 of Chapter 321 of the 1993 Session Laws. The final plan shall include the recommended maximum payment rate for each category of facility, and assessment of the adequacy of the existing standards for domiciliary facilities, the adequacy of the monitoring of these standards and recommendations regarding any needed changes in standards or their monitoring. The final plan shall be submitted to the 1995 General Assembly and to the Fiscal Research Division by February 1, 1995.

Requested by: Representatives Nye, Easterling, Dickson, Esposito, Senators Richardson, Walker

**DOMICILIARY CARE REIMBURSEMENT RATE INCREASE**

Sec. 25.25. Section 239 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 239. (a) Effective July 1, 1993, the maximum monthly rate for residents in domiciliary care facilities shall be nine hundred thirty–eight dollars ($938.00) for ambulatory residents and nine hundred seventy–nine dollars ($979.00) for semi-ambulatory residents.

(b) Effective July 1, 1994, the maximum monthly rate for residents in domiciliary care facilities shall be nine hundred seventy–five dollars ($975.00) per month for ambulatory residents and one thousand seventeen dollars ($1,017) per month for semiambulatory residents."

Requested by: Representatives Easterling, Nye, Esposito, Dickson, Senators Richardson, Walker

**DHR STUDY OF DIVISION OF YOUTH SERVICES' PROGRAMS AND SERVICES EXTENDED**

Sec. 25.26. Subsection (d) of Section 36 of Chapter 24 of the Session Laws of the 1994 Extra Session reads as rewritten:

"(d) The Department shall complete this study by ~~November 1, 1994,~~ March 1, 1995, and shall report the results of this study to the 1995 General Assembly by ~~March 1, 1995.~~ April 1, 1995."

Requested by: Representatives Easterling, Nye, Nesbitt, Diamont, Dickson, Esposito, Senators Richardson, Walker

**DIVISION OF YOUTH SERVICES NURSE SALARY PLAN**

Sec. 25.27. The Department of Human Resources shall implement the salary adjustment plan developed by the Division of Youth Services for nurses within the Division's training schools and shall fund the plan with salary reserve funds within the Department or from salary adjustment funds within the Office of State Budget and Management.

Requested by: Representatives Easterling, Nye, Esposito, Dickson, Senators Richardson, Walker

**REIMBURSEMENT AND COMPENSATION OF MEMBERS OF THE NORTH CAROLINA VOCATIONAL REHABILITATION ADVISORY COUNCIL**

Sec. 25.29. Notwithstanding G.S. 138–5(a)(1), members of the North Carolina Vocational Rehabilitation Advisory Council may be reimbursed for reasonable and necessary expenses of attending Council meetings or performing Council duties, as authorized in the federal Rehabilitation Act, as amended. In addition, Council members who are unemployed or who must forfeit wages from other employment to attend may receive compensation not to exceed fifty dollars ($50.00) a day for Council meetings or performing Council duties, as authorized in the federal Rehabilitation Act, as amended.

Requested by: Representatives Easterling, Nye, H. Hunter, Esposito, Dickson

**CERTAIN SMART START FUNDS DO NOT REVERT**

Sec. 25.31. (a) Any new funds that may be appropriated to the Division of Child Development, Department of Human Resources, in fiscal year 1994–95 and to be allocated to new local Smart Start projects to be established during the 1994–95 fiscal year shall not revert until June 30, 1996, but shall remain with the Division for use as provided under Part 10B of Article 3 of Chapter 143B of the General Statutes.

(b) It is the intent of the General Assembly that this section's postponement of reversions of Smart Start funds shall be for one year only and that it shall not be extended.

Requested by: Representatives Nye, Easterling, Dickson, Esposito, Senators Richardson, Walker

**SUPPORT OUR SCHOOLS PROGRAM/FAMILY RESOURCE CENTER GRANT PROGRAM ADMINISTRATIVE COSTS INCREASE**

Sec. 25.32. (a) Of the funds appropriated to the Department of Human Resources for the Support Our Schools (S.O.S.) Program for the 1994–95 fiscal year, the Department may use up to one hundred fifty thousand dollars ($150,000) for the administration of each program, in addition to the two hundred thousand dollars

($200,000) allocated for the administration of the program by Chapter 24 of the Session Laws, Extra Session 1994.

(b) Of the funds appropriated to the Department of Human Resources for the Family Resource Center Grant Program for the 1994–95 fiscal year, the Department may use up to one hundred thousand dollars ($100,000) for the administration of each program, in addition to the two hundred thousand dollars ($200,000) allocated for the administration of the program by Chapter 24 of the Session Laws, Extra Session 1994.

Requested by: Representatives Easterling, Nye, Nesbitt, Diamont, Dickson, Esposito, Senators Richardson, Walker

**EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES APPLICATION CLARIFICATION**

Sec. 25.33. The Department of Human Resources, in cooperation with the North Carolina Partnership for Children, Inc., shall ensure that the selection process for the additional local demonstration projects for the Early Childhood Education and Development Initiatives funded in this act shall include the following:

(1) Acceptance of applications from counties that have not yet applied for funding;

(2) Acceptance of additional information from counties that have already made application for funding but have not received funding; and

(3) Consideration of the needs and resources assessment that has been conducted in each county.

Requested by: Representatives Easterling, Nye, Nesbitt, Diamont, H. Hunter, Rogers, Dickson, Esposito,
Senators Richardson, Walker

**SUBSIDIZED DAY CARE FOR MORE ELIGIBLE CHILDREN**

Sec. 25.34. (a) Of the funds appropriated in this act to the Department of Human Resources, Division of Child Development, the sum of four million dollars ($4,000,000) for the 1994–95 fiscal year shall be used to pay for subsidized child day care for children currently eligible for nonentitlement child day care but not currently receiving this care. These funds may be used as follows:

(1) To pay for care that is currently available in the children's county up to the provider's approved subsidized payment rate; and

(2) To raise the subsidized payment rate in counties where the current market rate is too low to provide enough care for children. Priority shall be given to counties with the lowest current market rate. For Category "B" providers, the subsidized payment rate shall not exceed the statewide market rate.

These funds shall be used in such a way as to maximize the number of eligible children receiving subsidized child day care.

(b) The Division of Child Development shall report to the 1995 General Assembly and to the Fiscal Research Division of the Legislative Services Office by March 15, 1995, on the number of children whose child day care is funded pursuant to this section, and on the number of children eligible for child day care who still are waiting to be served. This report shall include county–level data on the number of these children who could be served if funds were available, the number of these children for whom service is not available in their community, and data on where these children live, including relevant demographic data. This report shall also include a determination of whether other eligible children not on any waiting list remain to be served.

Requested by: Representatives Easterling, Nye, Dickson, Esposito,
Senators Richardson, Walker

**DAY CARE RATE CLARIFICATION**

Sec. 25.35. (a) The 1993 Legislative Research Commission Study Committee on Child Care shall study the whole issue of day care rates to determine whether the rate structure needs to be amended or overhauled. This study shall include an examination of whether county departments of social services are using a provider's failure to comply with requirements in addition to those specified in subsection (b) of Section 248 of Chapter 321 of the 1993 Session Laws as a condition for reducing the provider's subsidized child day care rates.

The Committee shall include the results of this study, including any legislative recommendations, in its report to the Legislative Research Commission for transmittal to the 1995 General Assembly.

(b) Subsection (b) of Section 248 of Chapter 321 of the 1993 Session Laws reads as rewritten:

'(b) Facilities licensed pursuant to Article 7 of Chapter 110 of the General Statutes may participate in the program that provides for the purchase of care in day care facilities for minor children of needy families. No separate licensing requirements shall be used to select facilities to participate. In addition, day care facilities shall be required to meet any additional applicable requirements of federal law or regulations.

Day care homes as defined in G.S. 110–86(4) from which the State purchases day care services shall meet the standards established by the Child Day Care Commission pursuant to G.S. 110–101 and G.S. 110–105.1 and any additional requirements of State law or federal law or regulations. Child care arrangements exempt from State regulation pursuant to Article 7 of Chapter 110 of the General Statutes shall meet the requirements established by other State law and by the Social Services Commission.

County departments of social services or other local contracting agencies shall not use a provider's failure to comply with requirements in addition to those specified in this subsection as a condition for reducing the provider's subsidized child day care rate.'

Requested by: Representatives Easterling, Nye, Nesbitt, Diamont, Hayes, Dickson, Esposito,
Senators Richardson, Walker

**FAMILY TO FAMILY FUNDS PROJECTS AUTHORIZED**

Sec. 25.36. The Department of Human Resources may establish Family to Family projects that will replicate Project L.I.F.T. (Local Individuals Finding Themselves), of Concord, North Carolina. Project L.I.F.T. works through families helping other families deal with crime, substance abuse, and other issues facing parents and their children. It targets families in Concord's public housing communities to provide positive living skills, crime prevention activities, nutrition advice, higher education, substance abuse counselling, and healthy lifestyle activities. Project L.I.F.T., and any projects that replicate it, are vital measures in preventing crime and violence.

Requested by: Representatives Easterling, Nye, Esposito, Dickson, Diamont,
Senators Richardson, Walker

**FOSTER CARE REPORTING**

Sec. 25.37. Counties receiving funds for foster care in this act shall report quarterly, beginning with the second quarter of the 1994–95 fiscal year, to the Division of Social Services, Department of Human Resources the following:

(1) A narrative description of the use of State funds;
(2) Workload statistics and indicators for foster care as established by the Division of Social Services; and
(3) Development of a coordinated approach to providing children's services, with emphasis on meeting the total needs of the children and families being served.

The Division shall evaluate and report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office by April 30, 1995, on the State's efforts in implementing this section. The evaluation and report shall include evaluation of the current foster care delivery system and the impact of implementing this section.

Requested by: Representatives Easterling, Nye, Dickson, Esposito, Senators Richardson, Walker

**ADOPTION SUBSIDY**

Sec. 25.40. Section 235 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 235. (a) The adoption subsidy paid monthly by the Division of Social Services, Department of Human Resources, to eligible families who adopt hard-to-place children shall be established at two hundred sixty-five dollars ($265.00) per child per month.

(b) Effective July 1, 1994, the adoption subsidy paid monthly by the Division of Social Services, Department of Human Resources, to eligible families who adopt hard-to-place children shall be established based on a graduated rate as follows:

(1) $315.00 per child per month for children aged birth through 5;
(2) $365.00 per child per month for children aged 6 through 12; and
(3) $415.00 per child per month for children aged 13 through 18."

Requested by: Representatives Easterling, Nye, Diamont, Esposito, Dickson, Senators Richardson, Walker

**FOSTER CARE**

Sec. 25.41. Section 231 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 231. (a) Funds appropriated to the Department of Human Resources ~~in this act~~ for foster care assistance rates shall be used to set the rates at two hundred sixty-five dollars ($265.00) per child per month. Of this sum, fifteen dollars ($15.00) is a special needs allowance for the child.

(b) Effective July 1, 1994, funds appropriated to the Department of Human Resources for foster care assistance rates shall be used to pay assistance on a graduated rate as follows:

(1) $315.00 per child per month for children aged birth through 5;
(2) $365.00 per child per month for children aged 6 through 12; and
(3) $415.00 per child per month for children aged 13 through 18.

Of these amounts, fifteen dollars ($15.00) is a special needs allowance for the child."

Requested by: Representatives Nye, Easterling, Nesbitt, Diamont, H. Hunter, Dickson, Esposito,
Senators Richardson, Walker

**HIV FOSTER CARE BOARD PAYMENT FUNDS**

Sec. 25.42. Of the funds appropriated in this act to the Department of Human

Resources, Division of Social Services, the sum of four hundred ninety–nine thousand five hundred dollars ($499,500) shall be used for foster care board payments for children with HIV, to be allocated as follows:

(1) $800.00 per month per child with indeterminate HIV status;
(2) $1,000 per month per child confirmed HIV–infected, asymptomatic;
(3) $1,200 per month per child confirmed HIV–infected, symptomatic; and
(4) $1,600 per month per child terminally ill with complex care needs.

Requested by: Representatives Easterling, Nye, Nesbitt, Diamont, H. Hunter, Esposito, Dickson, Senators,

**DEPARTMENT STUDY OF CHILD–CARING AGENCIES REIMBURSEMENT DISCREPANCIES**

Sec. 25.43. The Department of Human Resources shall study the reimbursement method for child–caring agencies to determine whether inequitable discrepancies exist among agencies' reimbursement rates that should be rectified. This study shall include a detailed analysis of federal formulas and of State formulas to determine whether inequities exist at the federal formula level that can be rectified by State action and a detailed examination of whether agencies that have historically served minority children are suffering from inequitable reimbursement.

The Department shall report the results of this study, together with any recommendations for needed State action, to the General Assembly by March 15, 1995.

Requested by: Representatives Easterling, Nye, Diamont, Esposito, Dickson, Senators Hyde, Richardson, Walker

**MATERNITY HOME AND ADOPTION FUNDS**

Sec. 25.44. (a) From funds appropriated in this act to the Department of Human Resources, Division of Social Services, the sum of six hundred sixty–five thousand dollars ($665,000) for the 1994–95 fiscal year is allocated to the State Maternity Home Fund to provide maternity home services to single pregnant young women 10 years of age and older for the purposes of protecting and enhancing maternal and child health, reducing infant mortality and morbidity, reducing the number of unintended second pregnancies, preventing mothers from permanently dropping out of school, preventing welfare dependency, and providing adoption and parenting support.

(b) From funds appropriated in this act to the Department of Human Resources, Division of Social Services, the sum of seven hundred fifty thousand dollars ($750,000) for the 1994–95 fiscal year shall be used to contract with the Children's Home Society of North Carolina, Inc., to recruit and train families to adopt children with special needs and to provide postadoption and support services for these families and children. Children with special needs include medically fragile infants and children, sibling groups, abused, neglected, and abandoned infants and children, HIV–positive infants and children, addicted infants, children with behavior problems and emotional disorders, minority infants and children, and older children.

(c) The Department of Human Resources shall report to the 1995 General Assembly and to the Fiscal Research Division of the Legislative Services Office by March 15, 1995, on the use of funds allocated pursuant to subsections (a) and (b) of this section. This report shall include a detailed analysis of the services provided, of the people served, and of the program's relative success in achieving its goals as prescribed by subsections (a) and (b) of this section.

Requested by: Representatives Easterling, Nye, Colton, Dickson, Esposito, Senators Richardson, Walker

**CHILD–CARING AGENCIES FUNDS**

Sec. 25.45. Of the funds appropriated to the Department of Human Resources, Division of Social Services, the sum of seven hundred fifty–five thousand fifty–nine dollars ($755,059) shall be used to provide partial reimbursement to the following ten private, nonprofit child–caring agencies for the placement of certain children by county departments of social services:

(1) Bertie–Martin–Beaufort County Shelter Home, of Jamesville;
(2) Caldwell Residential Services, of Lenoir;
(3) Caring for Children, Inc., of Asheville;
(4) The Children's Home Society of North Carolina, Inc., of Greensboro;
(5) Children's Homes of Cleveland County, of Shelby;
(6) Family Resources of Rutherford County, Inc., of Spindale;
(7) Florence Crittenton Services, of Charlotte;
(8) Loray Girls Home, of Gastonia;
(9) Yahweh Center, Inc., of Wilmington; and
(10) Youth Homes, Inc., of Charlotte.

The children for whom these funds are appropriated are children not eligible for federal matching funds under the Title IV–E foster care maintenance payments. The ten agencies named in this section shall be added to the list of eligible agencies according to the provisions of NCAE 10, Subchapter 41M.

Requested by: Representatives Nye, Easterling, Diamont, Dickson, Esposito, Senators Richardson, Walker, Harris

**MEDICAID COVERAGE FOR ADOPTIVE CHILDREN WITH SPECIAL NEEDS**

Sec. 25.46. Effective October 1, 1994, the Department of Human Resources shall provide Medicaid coverage for adoptive children with special or rehabilitative needs regardless of the adoptive family's income.

Requested by: Representatives Nye, Easterling, Alexander, Dickson, Esposito, Senators Marshall, Richardson, Walker

**MEDICAID ESTATE RECOVERY PLAN, AS REQUIRED BY FEDERAL LAW**

Sec. 25.47. (a) Article 2 of Chapter 108A of the General Statutes is amended by adding a new section to read:

"**§ 108A–70.5. Medicaid Estate Recovery Plan.**

(a) There is established in the Department of Human Resources, the Medicaid Estate Recovery Plan, as required by the Omnibus Budget Reconciliation Act of 1993, to recover from the estates of recipients of medical assistance an equitable amount of the State and federal shares of the cost paid the recipient. The Department shall administer the program in accordance with applicable federal law and regulations, including those under Title XIX of the Social Security Act, 42 U.S.C. § 1396(p).

(b) As used in this section:

(1) 'Medical assistance' means medical care services paid for by the North Carolina Medicaid Program on behalf of the recipient:

a. If the recipient is receiving these medical care services as an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution, and cannot reasonably be expected to be discharged to return home; or

b. If the recipient is 55 years of age or older and is receiving these medical care services, including related hospital care and prescription drugs, for nursing facility services or home- and community-based services.

(2) 'Estate' means all the real and personal property considered assets of the estate available for the discharge of debt pursuant to G.S. 28A-15-1.

(c) The amount the Department recovers from the estate of any recipient shall not exceed the amount of medical assistance made on behalf of the recipient and shall be recoverable only for medical care services prescribed in subsection (b) of this section. The Department is a fifth-class creditor, as prescribed in G.S. 28A-19-6, for purposes of determining the order of claims against an estate; provided, however, that judgments in favor of other fifth-class creditors docketed and in force before the Department seeks recovery for medical assistance shall be paid prior to recovery by the Department.

(d) The Department of Human Resources shall adopt rules pursuant to Chapter 150B of the General Statutes to implement the Plan, including rules to waive whole or partial recovery when this recovery would be inequitable because it would work an undue hardship or because it would not be administratively cost-effective and rules to ensure that all recipients are notified that their estates are subject to recovery at the time they become eligible to receive medical assistance.

(e) Regarding trusts that contain the assets of an individual who is disabled as defined in Title 19 of Section 1014(a)(3) of the Social Security Act, as amended, if the trust is established and managed by a nonprofit association, to the extent that amounts remaining in the beneficiary's account upon the death of the beneficiary are not retained by the nonprofit association, the trust pays to the Department from these remaining amounts in the account an amount equal to the total amount of medical assistance paid on behalf of the beneficiary under the North Carolina Medicaid Program."

(b) Of the funds appropriated in this act from the General Fund to the Department of Human Resources, Division of Medical Assistance, the sum of one hundred four thousand seven hundred fifty dollars ($104,750) for the 1994-95 fiscal year, of which fifty thousand dollars ($50,000) is nonrecurring, shall be used to implement this section.

(c) Subsection (a) of this section becomes effective October 1, 1994, and applies to individuals who apply for medical assistance on or after that date. The remainder of this section becomes effective July 1, 1994.

Requested by: Representatives Nye, Easterling, Dickson, Esposito, Senators Richardson, Walker

**HEALTH MAINTENANCE ORGANIZATION INSURANCE REQUIREMENT**

Sec. 25.48. G.S. 58-67-10(b)(3a) reads as rewritten:

"(3a) This Article does not apply to any prepaid health service or capitation arrangement implemented or administered by the Department of Human Resources or its representatives, pursuant to 42 U.S.C. § 1396n or Chapter 108A of the General Statutes, or to any provider of health care services participating in such a prepaid health ~~services~~ service or capitation arrangement. the Department of Human Resources, any division in the Department, or any direct provider of health care services in connection with any direct, capitated, or otherwise prepaid arrangement applicable to health care services authorized pursuant to 42 U.S.C. § 1396n or Chapter 108A of the General Statutes. Nothing in this subdivision exempts health maintenance organizations or any other person who undertakes to provide or arrange for the

delivery of basic health care services to all enrollees on a prepaid basis, from complying with all applicable provisions in this ~~Article.~~ Article; provided, however, that to the extent this Article applies to any such person acting as a subcontractor to a Health Maintenance Organization licensed in this State, that person shall be considered a single service Health Maintenance Organization for the purpose of G.S. 58–67–20(4), G.S. 58–67–25, and G.S. 58–67–110."

Requested by: Representatives Diamont, Nesbitt, Crawford, Dickson, Esposito, Senators Richardson, Walker

**ALZHEIMER'S FUNDS**

Sec. 25.50. Of the funds appropriated in this act to the Department of Human Resources, Division of Aging, the sum of one hundred thousand dollars ($100,000) for the 1994–95 fiscal year shall be used to support services delivered to Alzheimer's patients and their families. These funds shall be allocated to each of the four Alzheimer's Association Chapters in North Carolina, in grants of twenty–five thousand dollars ($25,000) each. Each Chapter shall submit to the Division for approval a plan for the use of the funds it is to receive. Following the Division's approval, the Division shall disburse these funds according to a timetable outlined in each Chapter's plan.

Requested by: Representatives Nye, Easterling, Dickson, Esposito, Senators Richardson, Walker

**CONTINUING BUDGET ACT TECHNICAL CHANGES**

Sec. 25.51. (a) Section 227 of Chapter 321 of the 1993 Session Laws, as rewritten by Chapter 591 of the 1993 Session Laws, reads as rewritten:

"Sec, 227. Effective ~~October 1, 1994,~~ January 1, 1995, the Department of Human Resources, Division of Medical Assistance, shall implement a budget–neutral Diognosis–Related Group reimbursement methodology for inpatient hospital services."

(b) The catchline of Section 18 of Chapter 591 of the 1993 Session Laws reads as rewritten:

"**NORTH CAROLINA HEALTH PLANNING COMMISSION ~~FUNDS~~ FUNDS/ REPORTING DEADLINE EXTENSION**".

(c) Section 18 of Chapter 591 of the 1993 Session Laws is amended by inserting a new subsection to read:

"(a1) Subsection (b) of Section 2.1 of Chapter 529 of the 1993 Session Laws is rewritten as follows:

'(b) The Governor shall present to the General Assembly no lated than February 1, 1995, a plan for consolidating all of the State health functions into one State Department of Health. The plan shall be based upon and shall address the principles and elements outlined in subsections (c) and (d) of this section.'"

## PART 26. DEPARTMENT OF AGRICULTURE

Requested by: Representatives Bowman, Yongue, Nesbitt, Diamont, H. Hunter, Wright, Senators Martin of Pitt, Cochrane

**NORTH CAROLINA WAREHOUSE ACT FUND**

Sec. 26. (a) G.S. 106–435 reads as rewritten:

"**§ 106–435. Fund for support of system; collection and investment.**

In order to provide a sufficient indemnifying or guarantee fund to cover any loss not covered by the bonds hereinbefore mentioned, in order to provide the financial backing

which is essential to make the warehouse receipt universally acceptable as collateral, and in order to provide that a State warehouse system intended to benefit all cotton growers in North Carolina shall be supported by the class it is designed to benefit, it is hereby declared: that on each bale of cotton ginned in North Carolina during the period from the ratification of this bill until June 30, 1922, twenty–five cents (25¢) shall be collected through the ginner of the bale and paid into the State treasury, to be held there as a special guarantee or indemnifying fund to safeguard the State warehouse system against any loss not otherwise covered. The State Tax Commission shall provide and enforce the machinery for the collection of this tax, which shall be held in the State treasury to the credit of the State warehouse system. Not less than ten per centum (10%) of the entire amount collected from the per bale tax shall be invested in United States government or farm loan bonds or North Carolina bonds, and the remainder may be invested in amply secured first mortgage notes or bonds to aid and encourage the establishment of warehouses operating under this system, and to aid and encourage the establishment of farm markets designed to serve the marketing, packaging, and grading needs for the sale and distribution of unprocessed farm commodities when adequate markets are not otherwise provided. Such investments shall be made by the Board of Agriculture, with the approval of the Governor and Attorney General: Provided, such first mortgages shall be for not more than one–half the actual value of the warehouse property covered by such mortgages, and run not more than 10 years: Provided further, that the interest received from all investments shall be available for appropriation for capital projects and nonrecurring expenditures as provided in the bill making the appropriation, and for the administrative expense of carrying into effect the provisions of this law, including the employment of such persons and such means as the State Board of Agriculture in its discretion may deem necessary: Provided further, that the guarantee fund, raised under the provisions of sections 4907 to 4925 of the Consolidated Statutes of 1919, shall become to all intents and purposes a part of guarantee fund to be raised under this law and subject to all the provisions hereof. The fund created by this section may be used for loans to owners of cotton gins to make improvements to gins to comply with federal and State air quality regulations, rules, and laws. The loans shall be secured and made under terms and conditions approved by the Board of Agriculture. Income earnings, including earnings from interest, may also be used by the Department of Agriculture for cotton promotion activities."

(b) There is appropriated from the North Carolina Warehouse Act Fund to the Department of Agriculture, the sum of one hundred thousand dollars ($100,000) in accumulated interest for the 1994–95 fiscal year to be used for maintenance and operation of the Ballentine Building on Blue Ridge Boulevard in Raleigh to house the pesticide program.

(c) There is appropriated from the North Carolina Warehouse Act Fund to the Department of Agriculture, the sum of one hundred thousand dollars ($100,000) in accumulated interest for the 1994–95 fiscal year to be used for repairs, maintenance, operation, and cotton promotion projects and activities of Oakview Plantation in Wake County.

Requested by: Representatives Black, Bowman, H. Hunter, Wright,
Senators Martin of Pitt, Cochrane

**AGRICULTURE IN THE CLASSROOM**

Sec. 26.1. Of the funds appropriated to the Department of Agriculture the sum of one hundred twenty–five thousand dollars ($125,000) for the 1994–95 fiscal year

shall be used as a Grant–in–Aid for The North Carolina Farm Bureau Foundation for Agriculture in the Classroom, Inc., an educational program that works to develop a deeper appreciation for North Carolina's agricultural industry while promoting sound educational principles that lead to optimum classroom effectiveness.

## PART 27. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Requested by: Senator Martin of Pitt, Representatives Bowman, H. Hunter

**IMMUNIZATION PROGRAM FUNDING**

Sec. 27. Section 109 of Chapter 561 of the 1993 Session Laws reads as rewritten:

"(a) Of the funds appropriated in Chapter 321 of the 1993 Session Laws from the General Fund to the Department of Environment, Health, and Natural Resources for the ~~1993–94~~ 1994–95 fiscal year for childhood immunization programs for positions, operating support, equipment, and pharmaceuticals, the sum of up to one million dollars ($1,000,000) may be used for projects and activities that are also designed to increase childhood immunization rates in North Carolina. These projects and activities shall include the following:

(1) Outreach efforts at the State and local levels to improve service delivery of vaccines. Outreach efforts may include educational seminars, media advertising, support services to parents to enable children to be transported to clinics, longer operating hours for clinics, and mobile vaccine units; and

(2) Continued development of an automated immunization registry.

(b) Funds authorized to be used for immunization efforts under subsection (a) of this section shall not be used to fund additional State positions in the Department of Environment, Health, and Natural Resources.

(c) The Department of Environment, Health, and Natural Resources shall not obligate or expend funds authorized for the purposes stated in subsection (a) of this section until the Department has prepared and submitted for review to the Joint Legislative Commission on Governmental Operations the eight–year plan for implementation of the statewide immunization program required under Section 287 of Chapter 321 of the 1993 Session Laws. In addition to the requirements of Section 287 of Chapter 321 of the 1993 Session Laws, the eight–year plan shall address planned expenditures and immunization projects and activities identified under subsection (a) of this section."

Requested by: Senator Martin of Pitt,
Representative James

**WILDLIFE RESOURCES COMMISSION/FUNDS FOR SALARY INCREASES**

Sec. 27.1. (a) G.S. 105–164.44B, as amended by Section 290(a) of Chapter 321 of the 1993 Session Laws, reads as rewritten:

"**§ 105–164.44B. Transfer to Wildlife Resources Fund of taxes on hunting and fishing supplies and equipment.**

Each fiscal year, the Secretary of Revenue shall transfer at the end of each quarter from the State sales and use tax net collections received by the Department of Revenue under Article 5 of Chapter 105 of the General Statutes to the State Treasurer for the Wildlife Resources Fund, one fourth of ~~three million seven hundred thirty–one thousand one hundred sixteen dollars ($3,731,116)~~ four million four hundred eighty–nine thousand four hundred eighty–seven dollars ($4,489,487) plus or minus the percentage of that amount by which the total collection of State sales and use taxes increased or

decreased during the preceding fiscal year plus the cost of any legislative salary increase for employees of the Wildlife Resources Commission."

(b) Subsection (a) of this section expires June 30, 1995.

(c) Subsection (c) of Section 290 of Chapter 321 of the 1993 Session Laws is repealed.

Requested by: Senator Daniel,
Representative Bowman

**WILDLIFE RESOURCES COMMISSION LONG-RANGE BUDGET PLAN**

Sec. 27.2. Section 172 of Chapter 900 of the 1991 Session Laws reads as rewritten:

"Sec. 172. (a) The Wildlife Resources Commission shall prepare a long-range budget plan for review and consideration by the General Assembly. The budget plan shall include:

(1) An analysis of revenues and expenditures from the ~~1986-87~~ 1987-88 fiscal year through the ~~1991-92~~ 1993-94 fiscal year identifying: (i) the major revenue sources and expenditure items within each program or division; (ii) the major increases or decreases in revenues and expenditures over the period and the rationale for these changes; and (iii) those wildlife programs or divisions that have experienced significant growth in expenditures since the ~~1986-87~~ 1987-88 fiscal year;

(2) An inventory and analysis of all revenue sources, including the North Carolina Wildlife Endowment Fund, that identifies: (i) funds that may be used only for specific purposes; and (ii) funds that may be used for general program purposes;

(3) Revenue and expenditure projections for the ~~1992-93~~ 1994-95 through ~~1996-97~~ 1998-99 fiscal years, by program and major budget objects; and

(4) Long-term options for funding the operations of the Wildlife Resources Commission, including: (i) revenue increases, including increased license fees, subscription fees, and registration fees; use of interest from the North Carolina Wildlife Endowment Fund; and increases in the General Fund from sales tax and any other General Fund monies; and (ii) operating and capital expenditure reductions. The Commission shall present a detailed implementation plan and specific recommendations for each option that would ensure future spending deficits would not occur.

(b) The Wildlife Resources Commission shall prepare a report incorporating its long-range budget plan, including all components of this plan as set forth in subsection (a) of this section, and shall transmit this report to the General Assembly and the Fiscal Research Division by January 12, ~~1993.~~ 1995.

(c) The Office of State Auditor shall conduct a financial audit and a performance audit of the Wildlife Resources Commission and shall report its findings and recommendations to the 1995 General Assembly upon its convening."

Requested by: Senator Martin of Pitt,
Representatives Bowman, H. Hunter, Wright, Bowen, Redwine

**BEAVER CONTROL FUNDS**

Sec. 27.3. (a) Subsection (b) of Section 69 of Chapter 1044 of the 1991 Session Laws, as amended by Section 111 of Chapter 561 of the 1993 Session Laws, reads as rewritten:

"(b) The Beaver Damage Control Advisory Board shall develop a pilot program to control beaver damage on private and public lands. Bladen, Brunswick, Columbus, Duplin, Edgecombe, Franklin, Halifax, Johnston, Nash, Onslow, Pender, Pitt, Robeson, ~~and Sampson~~ Sampson, Vance, Warren, Wayne, and Wilson Counties shall participate in the pilot program. The Beaver Damage Control Advisory Board shall act in an advisory capacity to the Wildlife Resources Commission in the implementation of the program. In developing the program, the Board shall:

(1) Orient the program primarily toward public health and safety and toward landowner assistance, providing some relief to landowners through beaver control and management rather than eradication;

(2) Develop a priority system for responding to complaints about beaver damage;

(3) Develop a system for documenting all activities associated with beaver damage control, so as to facilitate evaluation of the program;

(4) Provide educational activities as a part of the program, such as printed materials, on-site instructions, and local workshops;

(5) Provide for the hiring of personnel necessary to implement beaver damage control activities, administer the pilot program, and set salaries of personnel;

(6) Evaluate the costs and benefits of the program that might be applicable elsewhere in North Carolina.

~~Upon~~ No later than September 30, 1994 and again upon the conclusion of the pilot program on ~~December 1, 1994,~~ June 30, 1995, the Board shall issue a report to the Wildlife Resources Commission on ~~the results of~~ the ~~program,~~ program to date, including recommendations on the feasibility of continuing the program in participating counties and the desirability of expanding the program into other counties. The Wildlife Resources Commission shall prepare a plan to implement a statewide program to control beaver damage on private and public lands. No later than January 1, 1995, the Wildlife Resources Commission shall present its plan in a report to the House Appropriations Subcommittee on Natural and Economic Resources and the Senate Appropriations Committee on Natural and Economic Resources."

(b) Subsection (h) of Section 69 of Chapter 1044 of the 1991 Session Laws, as amended by Section 111 of Chapter 561 of the 1993 Session Laws, reads as rewritten:

"(h) Subsections (a) through (d) of this section expire ~~December 1, 1994.~~ June 30, 1995."

(c) Of the funds appropriated to the Wildlife Resources Commission in this act for the 1994-95 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to provide the State share necessary to continue the beaver damage control pilot program established by Section 69 of Chapter 1044 of the 1991 Session Laws, as amended by Section 111 of Chapter 561 of the 1993 Session Laws and this section, to Bladen, Brunswick, Columbus, Duplin, Edgecombe, Franklin, Halifax, Johnston, Nash, Onslow, Pender, Pitt, Robeson, Sampson, Vance, Warren, Wayne, and Wilson Counties, provided the sum of twenty-five thousand dollars ($25,000) in federal funds is available to provide the federal share. These funds shall be matched by four thousand dollars ($4,000) of local funds from each of the 18 participating counties.

Requested by: Representatives Bowman, Culp, H. Hunter, Wright,
Senators Martin of Pitt, Cochrane

**MINING EDUCATION/TRAINING FUNDS**

Sec. 27.4. The Department of Environment, Health, and Natural Resources, Division of Land Resources, may use twenty thousand dollars ($20,000) of available funds for the 1994–95 fiscal year to develop and publish a Mining Compliance Manual for mining applicants, permittees, and inspectors.

Requested by: Representatives Diamont, Bowman, Gottovi, Yongue, Culp, Jenkins, H. Hunter, Wright,
Senators Martin of Pitt, Cochrane

**WATTS FARM CLEANUP STUDY FUNDS**

Sec. 27.5. The Department of Environment, Health, and Natural Resources shall use available funds to study the cleanup of the mixed low–level radioactive and hazardous waste that is located in Wilkes County at the abandoned waste disposal site known as the Watts Retreat Farm. This study shall address the manner and costs of retrieving, transporting, and disposing of these wastes at this site, where the wastes will be disposed, the potential liability of current and previous landowners of the site, the State, and any other potentially responsible parties, the need for the State to monitor the area before, during, and after the cleanup, the costs of such monitoring efforts, and any other issues the Department considers needed to be included in the study. The Department shall report to the Joint Legislative Commission on Governmental Operations, to the Chairs of the House Appropriations Subcommittee on Natural and Economic Resources, to the Chair of the Senate Committee on Natural and Economic Resources, and to the Fiscal Research Division by January 15, 1995.

Requested by: Representatives Gottovi, Bowman, H. Hunter, Wright,
Senators Martin of Pitt, Cochrane

**INFANT MORTALITY FUNDS FOR MINORITY POPULATIONS**

Sec. 27.6. (a) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, the sum of seven hundred fifty thousand dollars ($750,000) for the 1994–95 fiscal year shall be used to fund 15 grant projects in various communities to demonstrate means to lower infant mortality rates and percent of low birthweight babies among minority populations to bring the rates and percentage nearer those of the white population.

(b) The Division of Maternal and Child Health shall award the grants to the 15 projects based upon recommendations of a grant review team consisting of representatives of the Division of Maternal and Child Health, the Department's Office of Minority Health, and the North Carolina Governor's Commission on Reduction of Infant Mortality.

Requested by: Representatives Gottovi, Bowman, H. Hunter, Wright,
Senators Martin of Pitt, Cochrane

**INFANT MORTALITY REPORT EXTENSION**

Sec. 27.7. Subsection (a) of Section 284 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 284. (a) Of the funds appropriated in this act from the General Fund to the Department of Environment, Health, and Natural Resources for the Governor's Commission on the Reduction of Infant Mortality, the sum of fifty thousand dollars ($50,000) for the 1993–94 fiscal year shall be used to contract with outside evaluators to determine the extent to which the public and private health, social services and

mental health, developmental disabilities, and substance abuse services systems in each county meet the health needs of pregnant women and infants up to age one, and of children ages one to five. The study shall include, but not be limited to: an examination of the percentage of pregnant women in each county that receive early and continuous prenatal care; the extent to which eligible pregnant women, infants, and children are receiving nutritional supplements, case management and other necessary health, social, mental health, and other support services; and the extent to which children are receiving age–appropriate immunizations. The study shall determine what barriers, if any, exist in each county which prevent pregnant women, infants, and children under the age of five from receiving timely and necessary health services. The Governor's Commission on the Reduction of Infant Mortality shall continue its study and shall report its findings to the General Assembly on or before ~~May 15, 1994.~~ September 15, 1994."

Requested by: Representatives Easterling, Diamont, Bowman, H. Hunter, Wright, Senators Martin of Pitt, Cochrane

**EXTEND CHILD FATALITY TASK FORCE/EXPAND MEMBERSHIP**

Sec. 27.8. (a) G.S. 143–577(b) reads as rewritten:

"(b) The Task Force shall provide updated reports to the Governor and General Assembly within the first week of the convening of the 1993 General ~~Assembly and~~ Assembly, within the first week of the convening of the 1994 Regular Session of the 1993 General ~~Assembly.~~ Assembly, within the first week of the convening of the 1995 General Assembly, and within the first week of the convening of the 1996 Regular Session of the 1995 General Assembly. The Task Force shall provide a final report to the Governor and General Assembly within the first week of the convening of the ~~1995~~ 1997 General Assembly. The final report shall include final conclusions and recommendations for each of the Task Force's duties, as well as any other recommendations for changes to any law, rule, and policy that it has determined will promote the safety and well–being of children. Any recommendations of changes to law, rule, or policy shall be accompanied by specific legislative or policy proposals and detailed fiscal notes setting forth the costs to the State."

(b) Section 285(e) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(e) Subsections (b), (c), and (d) of this section become effective ~~February 1, 1995.~~ February 1, 1997. The ~~rest~~ remainder of this section is effective upon ratification of this act."

(c) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources the sum of eighty–five thousand dollars ($85,000) for the 1994–95 fiscal year shall be used to continue the operations of the North Carolina Child Fatality Task Force.

(d) G.S. 143–573(b) reads as rewritten:

(b) The Task Force shall be composed of ~~30~~ 36 members, 12 of whom shall be *ex officio* members, four of whom shall be appointed by the Governor, ~~seven~~ ten of whom shall be appointed by the Speaker of the House of Representatives, and ~~seven~~ ten of whom shall be appointed by the President *Pro Tempore* of the Senate. The *ex officio* members other than the Chief Medical Examiner shall be nonvoting members and may designate representatives from their particular departments, divisions, or offices to represent them on the Task Force. The members shall be as follows:

(1) The Chief Medical Examiner;

(2) The Attorney General;

(3) The Director of the Division of Social Services;

(4) The Director of the State Bureau of Investigation;
(5) The Director of the Division of Maternal and Child Health of the Department of Environment, Health, and Natural Resources;
(6) The Director of the Governor's Youth Advocacy and Involvement Office;
(7) The Superintendent of Public Instruction;
(8) The Chairman of the State Board of Education;
(9) The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services;
(10) The Secretary of the Department of Human Resources;
(11) The Secretary of the Department of Environment, Health, and Natural Resources;
(11.1) The Director of the Administrative Office of the Courts;
(12) A director of a county department of social services appointed by the Governor upon recommendation of the President of the North Carolina Association of County Directors of Social Services;
(13) A representative from a Sudden Infant Death Syndrome counseling and education program appointed by the Governor upon recommendation of the Director of the Division of Maternal and Child Health of the Department of Environment, Health, and Natural Resources;
(14) A representative from the North Carolina Child Advocacy Institute appointed by the Governor upon recommendation of the President of the Institute;
(14.1) A director of a local department of health, appointed by the Governor upon the recommendation of the President of the North Carolina Association of Local Health Directors;
(15) A representative from a private group, other than the North Carolina Child Advocacy Institute, that advocates for children, appointed by the Speaker of the House of Representatives upon recommendation of private child advocacy organizations;
(16) A pediatrician, licensed to practice medicine in North Carolina, appointed by the Speaker of the House of Representatives upon recommendation of the North Carolina Pediatric Society;
(17) A representative from the North Carolina League of Municipalities appointed by the Speaker of the House of Representatives upon recommendation of the League;
(18) Two public members appointed by the Speaker of the House of Representatives;
(19) A county or municipal law enforcement officer appointed by the President *Pro Tempore* of the Senate upon recommendation of organizations that represent local law enforcement officers;
(20) A district attorney appointed by the President *Pro Tempore* of the Senate upon recommendation of the President of the North Carolina Conference of District Attorneys;
(21) A representative from the North Carolina Association of County Commissioners appointed by the President *Pro Tempore* of the Senate upon recommendation of the Association;
(22) Two public members appointed by the President *Pro Tempore* of the Senate; and

(23) ~~Two~~ Five members of the Senate appointed by the President *Pro Tempore* of the Senate and ~~two~~ five members of the House of Representatives appointed by the Speaker of the House of Representatives."

Requested by: Representatives Diamont, Michaux, Bowman, H. Hunter, Wright, Senators Martin of Pitt, Cochrane

**WOMEN'S HEALTH SERVICE FUND**

Sec. 27.9. (a) Fund established. The Women's Health Service Fund is created within the Department of Environment, Health, and Natural Resources. The Department may make reimbursements from the Fund to approved medical providers for services rendered to eligible women who voluntarily request the insertion, implantation, or injection of a long–term, reversible contraceptive device or drug.

(b) Definitions. As used in this section, unless the context clearly requires otherwise:

(1) "Device or drug" means a long–term, reversible contraceptive device or drug the implantation, insertion, or injection of which is a service covered under this section.

(2) "Long–term, reversible contraceptive device or drug" means a device or drug approved for contraceptive purposes by the United States Food and Drug Administration, that, when implanted under the skin, inserted into the uterus, or injected into the bloodstream of a woman of child–bearing age will inhibit or prevent conception for a definite period of time, the contraceptive effects of which are reversible upon removal or discontinuance of the device or drug.

(3) "Medical provider" means a licensed physician, physician's assistant, nurse practitioner, or other health care provider approved by the Department to provide services under this section.

(4) "Woman" or "women" means one or more females of child–bearing age.

(c) Rules. The Department shall adopt rules for the administration of and allocations from the Fund. The rules shall include the following:

(1) Eligibility requirements enabling women, whether married or unmarried, to obtain upon request the implantation, insertion, or injection of a long–term, reversible contraceptive device or drug. Except in cases of medical necessity, women may receive contraceptive devices under this section on a one–time basis only.

(2) Services under this section shall be conditioned upon agreement by the recipient to attend, prior to insertion, implantation, or injection of the device or drug, education programs approved by the Department. The education programs shall include:

a. Comprehensive preinsertion or preprescription counseling on implantation, insertion, injection, and removal procedures,

b. Potential side effects and costs of the device or drug,

c. Other options for preventing conception, including newly approved long–term, reversible contraceptive devices or drugs that become available, and family planning education and counseling, including parenting skills,

d. Information on sexually transmitted diseases and the fact that long–term, reversible contraceptive devices and drugs do not protect against such diseases, and

e. Counseling for applicants who do not have a high school diploma regarding the benefits of completing her high school education either by remaining in school or obtaining her GED.

(3) A long–term, reversible contraceptive device or drug shall be prescribed only upon request voluntarily initiated by the recipient and only when there are clear benefits to the recipient as determined by the recipient in consultation with an approved medical provider.

(4) Procedures for the safe removal or discontinuance of the device or drug, where applicable.

(5) Written notice to applicants for services that the Department has no obligation to reimburse providers for the reimplantation or reinsertion of a device that has been prematurely removed from the individual except in cases where the premature removal was prescribed for medical reasons.

(d) Coercion prohibited. The Department shall adopt procedures and rules to ensure that application information, education, and counseling provided to women about the services available under this section are not coercive in any manner, do not offer financial or other incentives to request or refuse the services, and do not impose penalties for the refusal of services.

(e) Of the funds appropriated to the Department of Environment, Health, and Natural Resources in this act, the sum of seven hundred fifty thousand dollars ($750,000) shall be allocated to the Women's Health Service Fund created in subsection (a) of this section.

(f) Nothing in this section creates an entitlement to services authorized under this section.

Requested by: Representatives Diamont, H. Hunter, Bowman, Wright, Lemmond, Senators Martin of Pitt, Cochrane

**ADOLESCENT PREGNANCY PREVENTION/MEDIA CAMPAIGN AND ABSTINENCE UNTIL MARRIAGE EDUCATION FUNDS**

Sec. 27.10. (a) Of the funds appropriated in Section 3 of Chapter 321 of the 1993 Session Laws to the Department of Environment, Health, and Natural Resources for health programs, the sum of up to one hundred thirty thousand dollars ($130,000) for the 1994–95 fiscal year may be used as follows:

(1) Seventy–seven percent (77%) of these funds, not to exceed the sum of one hundred thousand dollars ($100,000), to initiate a statewide media campaign, in conjunction with the North Carolina Coalition on Adolescent Pregnancy, for the purpose of promoting abstinence, reducing pregnancy, and promoting healthy behavior in North Carolina's children ages 9–14. These funds shall be used to purchase the rights to the Maryland Media Campaign, which is an abstinence–based campaign, to purchase print media, radio ads, television ads, and for distribution of campaign material.

(2) Twenty–three percent (23%) of these funds, not to exceed the sum of thirty thousand dollars ($30,000), to fund a sex education curriculum that promotes abstinence until marriage. Systems that apply for these funds may receive up to two thousand five hundred dollars ($2,500) each. Nothing shall prohibit a school system from receiving private funds to provide this currriculum.

(b) All applications for grants for funds prescribed in subdivision (2) of subsection (a) of this section shall contain a detailed description of the curriculum to be offered and a full set of materials to be used. Prior to making any grants, the

Department shall review all curriculum descriptions and materials and shall use the results of this review in determining whether to award grants. If any of the initial school systems that apply for grants are rejected by the review process, other school systems may apply.

(c) The Department shall report on the status and funding of the statewide media campaign and abstinence until marriage education to the House Appropriations Subcommittee on Natural and Economic Resources and the Senate Appropriations Committee on Natural and Economic Resources by January 15, 1995.

Requested by: Representatives Bowman, Culp, H. Hunter, Wright,
Senators Martin of Pitt, Cochrane

**SOIL SURVEY POSITIONS FUNDS**

Sec. 27.11. Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, the sum of one hundred three thousand dollars ($103,000) shall be used to continue, for the 1994–95 fiscal year, support for three soil scientist positions in the Soil Survey Section. These positions work with counties to conduct soil surveys throughout the State and to map soil locations and identities. Funds authorized under this section may be used to establish, support, and provide travel expenses for these positions.

Requested by: Representatives Bowman, Gottovi, H. Hunter, Wright,
Senators Martin of Pitt, Cochrane

**AGRICULTURE COST SHARE PROGRAM FUNDS**

Sec. 27.12. Of the funds appropriated to the Department of Environment, Health, and Natural Resources in Section 3 of Chapter 321 of the 1993 Session Laws, for the Agriculture Cost Share Program for Nonpoint Source Pollution Control for the 1994–95 fiscal year, the sum of forty thousand dollars ($40,000) shall be used to install best management practices to protect water quality, including tide gates, water control structures, and waste management measures in rural environs, in the subbasin of the Cape Fear River and Atlantic drainage east of Cypress Creek and north of Walden Creek, under the Rural Clean Water Demonstration Program and in accordance with the match and program requirements specified in G.S. 143–215.74(b)(6).

Requested by: Representatives Nesbitt, Diamont, Bowman, H. Hunter, Wright,
Senators Martin of Pitt, Cochrane

**STATE PARKS FUNDS**

Sec. 27.13. Of the funds appropriated to the Department of Environment, Health, and Natural Resources in this act, the sum of one million dollars ($1,000,000) for the 1994–95 fiscal year shall be allocated to the Parks and Recreation Trust Fund established under Senate Bill 733 as enacted by the 1993 Session and expended as provided by G.S. 113–44.15(b) as enacted by Senate Bill 733, 1993 Session.

Requested by: Representatives Bowman, Gottovi, James, Culp, H. Hunter, Wright,
Senators Martin of Pitt, Cochrane

**STATE PARKS RETIREMENT**

Sec. 27.14. The Department of Environment, Health, and Natural Resources may use up to two hundred seventy thousand two hundred twenty–four dollars ($270,224) of available funds for retroactive retirement benefits for eligible employees in the Division of Parks and Recreation, as authorized under the Supplemental Retirement Income Plan for State Law Enforcement Officers.

Requested by: Representatives Diamont, Bowman, H. Hunter, Wright, Senators Martin of Pitt, Cochrane

**REALLOCATION OF FUNDS**

Sec. 27.15. Notwithstanding the provisions of Section 112 of Chapter 1034 of the 1984 Session Laws and Section 238.2 of Chapter 689 of the 1991 Session Laws, the funds allocated for the Town Fork Flood Control and Water Supply (Stokes County) shall be reallocated as a grant to the Pilot Mountain Foundation, Inc., for capital improvements. The funds appropriated in Chapter 480 of the 1985 Session Laws and Chapter 754 of the 1989 Session Laws for construction of the Town Forks Reservoir Project in Stokes County are extended for the purpose authorized and shall not revert until June 30, 1997.

Requested by: Senators Daniel, Plyler, Martin of Pitt, Cochrane, Representatives Redwine, Bowman, H. Hunter, Wright

**BLUE RIBBON ADVISORY COUNCIL ON OYSTERS**

Sec. 27.16. (a) There is established the Blue Ribbon Advisory Council on Oysters (hereinafter referred to as "Advisory Council"). The Advisory Council shall consist of 19 members appointed as follows:

(1) Chair of the Oyster, Clam, and Scallops Committee of the Marine Fisheries Commission (or designee).

(2) Director of the Marine Fisheries Division of the Department of Environment, Health, and Natural Resources (or designee).

(3) Cochairs of the Joint Legislative Commission on Seafood and Aquaculture (or designees).

(4) Director of the North Carolina Sea Grant College Program of North Carolina State University (or designee).

(5) Two representatives from the commercial oyster fishery, one of whom shall represent the northern coastal region and the other shall represent the Pamlico coastal region, appointed by the President *Pro Tempore* of the Senate.

(6) Two representatives from the commercial oyster fishery, one of whom shall represent the southern coastal region and the other shall represent the central coastal region, appointed by the Speaker of the House of Representatives.

(7) One representative from oyster aquaculture appointed by the President *Pro Tempore* of the Senate.

(8) One representative with expertise in oyster production and restoration appointed by the President *Pro Tempore* of the Senate.

(9) One economist appointed by the Governor.

(10) One representative with expertise in oyster disease research appointed by the President *Pro Tempore* of the Senate.

(11) One representative with expertise in oyster sales and marketing appointed by the Governor.

(12) One representative with expertise in health considerations and sanitation of oysters appointed by the Speaker of the House of Representatives.

(13) One representative with expertise in oyster harvesting appointed by the Speaker of the House of Representatives.

(14) One representative with expertise in oyster processing appointed by the Speaker of the House of Representatives.

(15) One representative with expertise in water quality appointed by the Governor.

(16) One social scientist appointed by the Governor.

(b) The Advisory Council shall assist the Marine Fisheries Commission and the Joint Legislative Commission on Seafood and Aquaculture in an advisory capacity and shall study and make recommendations relating to the oyster resource including, but not limited to:

(1) Restoration of oyster production on public beds.

(2) Development of aquaculture production of oysters.

(3) Management of oyster reefs to maximize production.

(4) Zoning and protective measures concerning oyster reefs and culture operations.

(5) Marketing and economic development of oysters.

(6) Development of value-added products and processing.

(7) Changes in the leasing of oyster bottoms and water columns for culture.

(8) Expenditure of public funds in relation to private funding of oyster production.

(9) Development of a management plan for restoration of the oyster resource.

(c) The Chair of the Advisory Council shall be the Chair of the Oyster, Clam, and Scallops Committee of the Marine Fisheries Commission. The Advisory Council shall meet upon the call of the Chair. A majority of the Advisory Council shall constitute a quorum for the transaction of business.

(d) Any person who is a member of the Advisory Council may hold such membership concurrently with and in addition to any other elective or appointive office or offices such person is permitted to hold under G.S. 128-1.1.

(e) Members of the Advisory Council shall receive *per diem* and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(f) The Advisory Council shall make written quarterly reports to the Marine Fisheries Commission and the Joint Legislative Commission on Seafood and Aquaculture beginning October 1, 1994. The Advisory Council shall complete its study and make its final written report on or before October 1, 1995. Upon making its final written report, the Advisory Council shall terminate.

(g) The Department of Environment, Health, and Natural Resources shall provide secretarial and other support staff for the Advisory Council.

(h) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources for the 1994-95 fiscal year, the sum of one hundred thousand dollars ($100,000) shall be used for administrative and other expenses incurred by the Blue Ribbon Advisory Council on Oysters.

Requested by: Senators Martin of Pitt, Cochrane,
Representatives Bowman, H. Hunter, Redwine, Wright

**FISHERY RESOURCE GRANT PROGRAM**

Sec. 27.17. (a) Creation. There is created within the Department of Environment, Health, and Natural Resources, the Fishery Resource Grant Program. The purpose of the program is to enhance the State's coastal fishery resources through individual grants to test new equipment, research industry trends, perform environmental pilot studies, and study other fishery issues.

(b) Administration. The Marine Fisheries Commission shall administer the Fishery Resource Grant Program, provide technical assistance to grant applicants and recipients, select grant recipients, evaluate pilot programs, and develop guidelines for

implementing successful grant programs. Grants shall be evenly distributed among the northern, southern, central, and Pamlico coastal regions.

(c) Application procedure. An applicant may apply for grant funds to the Secretary of the Department of Environment, Health, and Natural Resources. An application must include, but is not limited to, the following:

(1) A description of the project;

(2) A detailed statement of the projected costs of the project including the cost to plan and design the project;

(3) An explanation of how the project will enhance the fishery resource; and

(4) Any other information needed by the Secretary of the Department to enable the Secretary to make a decision on the application.

(d) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, the sum of one million dollars ($1,000,000) for the 1994–95 fiscal year shall be allocated for the Fishery Resource Grant Program established under this section.

Requested by: Representative Redwine

**OCCONEECHEE MOUNTAIN, BIRD ISLAND, HAMMOCKS BEACH STATE PARK LAND ACQUISITION FUNDS**

Sec. 27.18. Notwithstanding G.S. 143–16.3, the Divisions of Parks and Recreation and of Coastal Management of the Department of Environment, Health, and Natural Resources may apply to the North Carolina Recreation and Natural Heritage Trust, and other State and federal agencies for funds to acquire Occoneechee Mountain, Bird Island, and additional land at Hammocks Beach State Park.

Requested by: Senators Martin of Pitt, Cochrane,
Representatives Bowman, H. Hunter, Wright

**REGIONAL STATE PARK STUDY**

Sec. 27.21. Of the funds appropriated to the Department of Environment, Health, and Natural Resources in this act, the sum of fifteen thousand dollars ($15,000) for the 1994–95 fiscal year shall be used for the Department of Environment, Health, and Natural Resources to review the needs of the State Parks System as described in the Plan in accordance with G.S. 113–44.14(b) and determine the feasibility and cost of developing the Mountain Island Lake Area in Gaston, Lincoln, and Mecklenburg Counties as a regional State Park. The Department shall report the results of this study to the 1995 General Assembly.

## PART 28. DEPARTMENT OF COMMERCE

Requested by: Senator Martin of Pitt,
Representative Bowman

**WTTF FUNDS TO EMPLOYMENT SECURITY COMMISSION**

Sec. 28. There is appropriated from the Worker Training Trust Fund to the Department of Commerce, Employment Security Commission, the sum of five hundred twenty–five thousand dollars ($525,000) for the 1994–95 fiscal year to be allocated as follows:

(1) $225,000 to continue the operation of the common follow–up tracking system; and

(2) $300,000 to fund salary increases enacted in this act for State employees.

Requested by: Senators Martin of Pitt, Cochrane,
Representatives Bowman, H. Hunter, Wright

**RURAL ECONOMIC DEVELOPMENT CENTER/COMMUNITY DEVELOPMENT GRANTS**

Sec. 28.1. (a) Definition. — For purposes of this section, the term "community development corporation" means a nonprofit corporation:

(1) Chartered pursuant to Chapter 55A of the General Statutes;

(2) Tax–exempt pursuant to section 501(c)(3) of the Internal Revenue Code of 1986;

(3) Whose primary mission is to develop and improve low–income communities and neighborhoods through economic and related development;

(4) Whose activities and decisions are initiated, managed, and controlled by the constituents of those local communities; and

(5) Whose primary function is to act as deal–maker and packager of projects and activities that will increase their constituencies' opportunities to become owners, managers, and producers of small businesses, affordable housing, and jobs designed to produce positive cash flow and curb blight in the target community.

(a1) Community Development Grants. — Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc., the sum of one million three hundred thousand dollars ($1,300,000) for the 1994–95 fiscal year shall be used to support community development projects and activities within the State's minority communities. Any community development corporation as defined in this section is eligible to apply for funds. The Rural Economic Development Center shall establish performance–based criteria for determining which community development corporations will receive a grant and the grant amount. Funding will also be allocated to the North Carolina Association of Community Development Corporations, Inc.

The Rural Economic Development Center, Inc., shall allocate these funds as follows:

(1) $950,000 for direct grants to the local community development corporations that have previously received State funds for this purpose to support operations and project activities;

(2) $100,000 for direct grants to local community development organizations that have not previously received State funds;

(3) $200,000 to the North Carolina Association of Community Development Corporations, Inc. to provide training, technical assistance, resource development, project assistance, and support for local community development corporations statewide; and

(4) $50,000 to the Rural Economic Development Center, Inc. for the 1994–95 fiscal year to be used to cover expenses in administering this act.

The Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(a2) The North Carolina Community Development Initiative, Inc. — Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc., the sum of two million dollars ($2,000,000) shall be used to support the loan fund and operations of the North Carolina Community Development Initiative, Inc., and the sum of one hundred seventy–five thousand dollars ($175,000) for the 1994–95 fiscal year shall be used to support operations and local projects of the

SERCDC. The Initiative shall provide operating and project activity grants to mature community development corporations that have demonstrated project and organizational capacity.

The North Carolina Community Development Initiative, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(a3) Microenterprise Loan Program. — Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc., the sum of six hundred fifty thousand dollars ($650,000) for the 1994–95 fiscal year shall be used to support the loan fund and operations of the Microenterprise Loan Program. The Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(a4) The North Carolina Minority Support Center, Inc. — Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc., the sum of three hundred thousand dollars ($300,000) for the 1994–95 fiscal year shall be allocated to the North Carolina Minority Support Center, Inc., to provide technical assistance to community–based credit unions. The Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(a5) The Office of State Budget and Management, the Department of Commerce, and the Rural Economic Development Center, Inc., shall ensure that funds allocated to the following organizations are disbursed within 15 working days of the receipt of a request for the funds from the organization:

(1) The North Carolina Community Development Initiative, Inc.

(2) The North Carolina Minority Support Center, Inc.

(3) The Microenterprise Loan Program.

(a6) Capacity Building Grants Program. — Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc., the sum of six hundred thousand dollars ($600,000) for the 1994–95 fiscal year shall be used to provide grants to depressed counties and municipalities to enable them to acquire short–term capacity for immediate needs for economic development planning and writing of grant applications. The Center shall establish standards for determining each local government's needs and shall make grants on the basis of need.

Definitions. — For the purposes of this subsection the following definitions apply:

(1) Economically depressed area. — Any of the following:

a. A county that the Secretary of Commerce has designated one of the most economically depressed counties in the State pursuant to G.S. 143B–437A.

b. That part of a rural county whose poverty rate is at least one hundred fifty percent (150%) of the State poverty rate. For the purpose of this subsection, the poverty rate is the percentage of the population with income below the latest annual federal poverty guidelines issued by the United States Department of Health and Human Services.

c. That part of a rural county whose rate of unemployment is at least double the State rate of unemployment.

d. That part of a rural county that experiences an actual or imminent loss of jobs in a number that is equal to or exceeds five percent (5%) of the total number of jobs in the part.

(2) Rural county. — A county that the United States Office of Management and Budget has not designated as a metropolitan county.

The Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations and the Department of Commerce on the use of the funds allocated in this subsection and on the outcomes achieved by the program.

(a7) The North Carolina Capital Access Program — Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc., the sum of one million dollars ($1,000,000) for the 1994–95 fiscal year shall be used to establish the North Carolina Capital Access Program. The program shall leverage this public investment along with private sector resources to stimulate additional financing opportunities for a broad portfolio of small business concerns in North Carolina. The Program shall encourage commercial banks and other depository institutions to provide access to debt capital, thereby promoting a more effective and efficient debt market to provide economic opportunity, create jobs, enhance productivity, and spur innovation.

(1) Definitions — The following definitions apply in this subsection:
   a. Financial institution — Any federally chartered or state chartered commercial ban, savings and loan, savings bank, or credit union.
   b. Participating financial institution — Any financial institution that has entered into a participation agreement with the Center in accordance with the provisions set forth in this section.
   c. Enrolled loan — Loan made by a participating financial institution in accordance with this section.

(2) The Center may enter into participating agreements with any financial institution determined to have sufficient lending experience and financial and managerial capacity to participate in the Program.

(3) Participating financial institutions — Upon entering into the participation agreement with the Center, the financial institution shall become a participating financial institution eligible to enroll loans under the Program.

(4) The Rural Economic Development Center shall administer the Program as established in this section and monitor the Program to ensure compliance with applicable State and federal laws, rules, and relevant court decisions.

(5) The Program will have as a goal to leverage public funds with private sector resources on the basis of 20 private dollars to every one public dollar.

(6) Of the funds appropriated for the Capital Access Program, the sum of fifty thousand dollars ($50,000) for the 1994–95 fiscal year shall be used to cover expenses in administering this Program.

The Rural Economic Development Center shall report quarterly to the Joint Legislative Commission on Governmental Operations on the implementation and operation of the Program.

(b) Section 104.1(a) of Chapter 561 of the 1993 Session Laws reads as rewritten:

"(a) Supplemental Funding Pilot Project. — Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc., the sum of one million six hundred fifty thousand dollars ($1,650,000) for the ~~1993–94~~ 1994–95 fiscal year shall be used for a pilot program to provide supplemental funding for matching requirements for economic development in economically depressed areas. The Center shall use the funds to make grants to local governments and nonprofit corporations to provide funds necessary to match federal grants or other grants for

necessary economic development projects and activities in economically depressed areas. The grant recipients shall be selected on the basis of need."

(c) Subsections (a1) and (a2) of Section 104.1 of Chapter 561 of the 1993 Session laws apply to this section.

(d) Of the funds appropriated in this act to the Rural Economic Development Center, Inc., the sum of one hundred thousand dollars ($100,000) shall be allocated as follows:

(1) $25,000 to the Opportunities Industrialization Center of Wilson, Inc., for its ongoing job training programs;

(2) $25,000 to Opportunities Industrialization Center, Inc., in Rocky Mount, for its ongoing job training programs;

(3) $25,000 to Pitt–Greenville Opportunities Industrialization Center, Inc., for its ongoing job training programs; and

(4) $25,000 to the Opportunities Industrialization Center of Lenoir, Greene, and Jones Counties.

The Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of funds allocated in this subsection.

Requested by: Senators Martin of Pitt, Cochrane,
Representatives Bowman, H. Hunter, Wright

**BIOTECHNOLOGY FUNDS FOR MINORITY UNIVERSITIES**

Sec. 28.2. Section 99 of Chapter 561 of the 1993 Session Laws reads as rewritten:

"Sec. 99. Of the funds appropriated in this act from the General Fund to the North Carolina Biotechnology Center for the ~~1993–94~~ 1994–95 fiscal year, the sum of ~~one million dollars ($1,000,000)~~ two million dollars ($2,000,000), one million dollars ($1,000,000) of which is appropriated for the 1994–95 fiscal year only, shall be used to develop a special biotechnology program initiative for North Carolina's Public Historically Black Universities and Pembroke State University. This program initiative is a means to get more funds to these institutions of higher education in the short run to help them develop their biotechnology programs and a means to develop a mechanism to improve these institutions' capacity over the long term. The Center's special initiative shall, at a minimum, provide for:

(1) A range of program activities, including grants, designed to enhance the existing strengths and capabilities of Pembroke University, and the public Historically Black Universities;

(2) A Facilities and Infrastructure Review Committee to advise the Center on major program elements and priority projects that would be most helpful to these institutions; and

(3) A Program Advisory Panel with representation from these institutions to advise and make recommendations to the Center's President and Board of Directors on funding proposals under this initiative.

~~The~~ Beginning September 15, 1994, the Center shall report quarterly throughout the 1994–95 fiscal year to the General Assembly ~~by March 15, 1994,~~ on ~~the development and implementation of this special initiative.~~ its biotechnology program grants to universities. These reports shall include the current number of enrollments and the capacity of enrollments in the biotechnology program in each of the universities, the number of faculty in the biotechnology program in each of the universities, whether and to what extent the enrollments, capacity, and number of faculty have changed in

the last three academic years in the biotechnology program in each of the universities, how the funds allocated by this section are being used in each of the universities, and any other information that indicates whether these grants are accomplishing their purpose.

In awarding grant funds pursuant to this section, the Center shall ensure that the grant funds are distributed equally among the eligible universities."

Requested by: Representatives Bowman, H. Hunter, Wright,
Senators Martin of Pitt, Cochrane

**ECONOMIC DEVELOPMENT FUNDS**

Sec. 28.3. Section 310 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(a) Of the funds appropriated in this act to the Department of Commerce, three hundred thousand dollars ($300,000) for the ~~1993–94~~ 1994–95 fiscal year shall be allocated for the Land Loss Prevention Project, Inc., to provide free legal representation to ~~low-income~~ financially distressed ~~small~~ family farmers. The Land Loss Prevention Project, Inc., shall not use these funds to represent farmers who have income and assets that would make them financially ineligible for legal services pursuant to Title 45, Part 1611 of the Code of Federal Regulations. The Land Loss Prevention Project, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(b) Of the funds appropriated in this act to the Department of Commerce, two hundred fifty thousand dollars ($250,000) for the ~~1993–94~~ 1994–95 fiscal year shall be allocated for the North Carolina Coalition of Farm and Rural Families, Inc., for its Small Farm Economic Development Project. These funds shall be used to foster economic development within the State's rural farm communities by offering financial, marketing, and technical assistance to small and limited resource farmers. The North Carolina Coalition of Farm and Rural Families, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(c) Of the funds appropriated in this act to the Department of Commerce, ~~two~~ seven hundred thousand dollars ~~($200,000)~~ ($700,000) for the ~~1993–94~~ 1994–95 fiscal year shall be allocated to the North Carolina Institute for Minority Economic Development, Inc., to foster minority economic development within the State through policy analysis, information and technical assistance, and resource expansion. The North Carolina Institute for Minority Economic Development, Inc., shall research and identify key issues affecting the economic well–being of the State's ethnic minority community and issue annual reports with appropriate recommendations; provide information and technical ~~assistance to~~ assistance, training, and capacity–building for organizations with minority economic development–based projects in common areas of need and interests; develop a resource bank of data and information; facilitate training in appropriate areas of need; and provide technical assistance to minority construction contractors. The North Carolina Institute for Minority Economic Development, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds."

Requested by: Senators Martin of Pitt, Hoyle, Cochrane,
Representatives Bowman, H. Hunter, Wright, Luebke

**INDUSTRIAL RECRUITMENT COMPETITIVE FUND**

Sec. 28.4.(a) Of the funds appropriated to the Department of Commerce in this act, the sum of seven million dollars ($7,000,000) shall be allocated to the Industrial

Recruitment Competitive Fund for the 1994–95 fiscal year to be used, notwithstanding the provisions of Section 314.3 of Chapter 321 of the 1993 Session Laws, to assist new and expanding businesses and industries. The Governor's guidelines and procedures for the commitment of monies from this Fund shall provide that existing businesses and industries be considered in the same manner and have the same access to the monies as new businesses and industries.

(b) In determining the allocation of these funds, the Department shall consider the extent to which a business uses recycled materials and the extent to which a business generates high levels of environmental pollution. Where the Department of Commerce disburses these funds to eligible recipients through units of local government, the Department shall develop procedural guidelines to assure that the requirements of the Local Government Budget and Fiscal Control Act are observed in the allocation and accounting of these funds.

Requested by: Representatives Nesbitt, Bowman, H. Hunter, Wright, Senators Martin of Pitt, Cochrane

**MCNC GATEWAY FOR NCIHS**

Sec. 28.6. Funds appropriated in this act to MCNC for Migration of Current Network to the North Carolina Information Highway System (NCIHS) shall be used as follows:

(1) To cover the costs of connecting and operating the North Carolina Research and Education Network through the North Carolina Information Highway so that universities and research centers will continue to have the capability currently available through the North Carolina Research and Education Network,

(2) For program support, and

(3) For MCNC to serve as gateway to the North Carolina Information Highway for the 18 sites.

Requested by: Representatives Nesbitt, Redwine, Bowman, H. Hunter, Wright, Senators Martin of Pitt, Cochrane

**EXPAND REGIONAL ECONOMIC DEVELOPMENT EFFORTS**

Sec. 28.7. (a) **Regional Economic Development Commission Expansion Program:** The Department of Commerce shall develop a program for promoting the expansion of economic development efforts such that all counties in the State participate in and benefit from organized regional economic development activities. The Department shall encourage county participation in public/private partnerships for economic development through membership in regional economic development commissions. In developing the program, the Department shall identify those counties not participating in existing regional economic development commissions as of July 1, 1994. After consultation with appropriate parties in each nonparticipating county, the Department shall assign each nonparticipating county to either (i) a commission established under G.S. 158–8, (ii) a new regional commission made up of nonparticipating counties created in accordance with this section, or (iii) a regional economic development commission established under G.S. 158–8.1, 158–8.2, or 158–8.3, as appropriate. Regional economic development commissions created under this section shall be subject to the provisions of Article 2 of Chapter 158 of the General Statutes and shall have the powers and duties authorized thereunder, in addition to powers and duties authorized under this section.

(b) **Scope:** This section applies to regional economic development commissions created under this section, and to the Piedmont Triad Partnership, the Carolinas Partnership, Inc., the Raleigh–Durham Regional Association, and the Global TransPark Development Zone established pursuant to Article 4 of Chapter 158 of the General Statutes. Except as otherwise provided in this section, this section shall not apply to regional economic development commissions established pursuant to G.S. 158–8.1, 158–8.2, and 158–8.3.

(c) **Requirements for regional commissions:** Notwithstanding G.S. 158–8, each regional economic development commission created pursuant to this section shall include a sufficient number of counties, and municipalities of those counties, to ensure that each new commission:

(1) Is of adequate size in population and geographic scope to effectively undertake economic development activities, to market as a distinct and viable region for attraction of new investment, and to generate adequate local resources to effectively cooperate with the Department of Commerce;

(2) Is economically integrated as determined by commuting patterns, economic base, economic interrelationships, major employers, or other indicators of economic integration; and

(3) Has an identifiable focal point of economic activity, known as an economic engine or driver, within the regional boundaries on which to build an effective economic development and marketing strategy, such as a metropolitan area, a cluster of manufacturing or nonmanufacturing industries, a natural resource base, or other clearly identifiable economic resources.

(d) **Criteria for regional boundaries:** In facilitating the creation of regional economic development commissions under this section, the Department and the counties involved shall consider economic interrelationships, existing development organizations and relationships, natural boundaries, anticipated major projects, and other factors that promote effectiveness and efficiency and foster local cooperation.

(e) **State funding:** Regional economic development commissions created under this section shall receive State funds as follows. The Department shall allocate to each newly created regional economic development commission the sum of the allocations to each county that is a member of the commission. Each county's allocation shall be determined by dividing the county's distress factor by the sum of the distress factors for eligible counties and multiplying the resulting percentage by the amount of the appropriation. As used in this section, the term "distress factor" means a county's distress factor as calculated under G.S. 105–130.40(c). For counties that are assigned by the Department to regional economic development commissions established under G.S. 158–8, or to a regional economic development commission established under G.S. 158–8.1, 158–8.2, or 158–8.3, the Department shall allocate to each regional economic development commission the funding share of each county that joins that commission pursuant to subsection (a) of this section.

(f) **Use of funds:** Funds allocated to a regional economic development commission created under this section shall be used for administrative and operating expenses of the commission, marketing, advertising, promotion, and economic development activities to secure jobs and new investment in the region served by the commission. In addition to the powers and duties authorized under Article 2 of Chapter 158, the newly created commissions may use funds for the following activities:

(1) Marketing the region to promote new investment from out–of–state companies;

(2) Promoting travel and tourism or natural resource–based attractions;
(3) Trade missions;
(4) Marketing and promoting existing industries;
(5) Encouraging attraction or retention of entrepreneurial development;
(6) Promoting and marketing local crafts, industries, or other specialized economic development opportunities; and
(7) Research–related economic development activities such as industry sector studies for targeted marketing, buyer–supplier analyses for targeted marketing or to support existing industry, development of necessary supporting information and data, or linking the region with the Department of Commerce's Economic Development Information System.

(g) **Duties of the Department of Commerce:** The Department shall have the following duties under this section:

(1) Actively assist each regional economic development commission, including those established under G.S. 158–8.1, 158–8.2, and 158–8.3, in organizing and carrying out its economic development activities. To this end, the Department shall:
   a. Ensure that each commission is linked to the Economic Development Information System; and
   b. Develop procedures that ensure that each region has maximum opportunity to attract new jobs and investment, that all inquiries from companies concerning location in North Carolina are fairly and equitably handled within the confines of the inquiring company's requirements and needs, and that all inquiries and prospective investments are handled efficiently and effectively.

(2) Institute a process to organize programs and services in a manner that will assist each region in taking maximum advantage of potential development opportunities. This process shall include all of the following:
   a. Integrating each regional economic development commission into the Economic Development Information System and the Geographic Information System;
   b. Developing joint marketing strategies and materials for targeted industries, services, or promotional markets based on each region's strengths and priorities;
   c. Assigning an economic development specialist to work with each regional economic development commission;
   d. Providing technical assistance and training, if needed, to help build regional capacity;
   e. Developing cooperative marketing and advertising campaigns to ensure consistency of image and quality, and to secure discounts on media presentations; and
   f. Customizing the services and programs within the Department, where practicable, to better link departmental resources with the diverse needs and opportunities within the boundaries of each regional commission.

(3) Study and determine whether certain counties currently participating in existing commissions should be transferred to other regional commissions, and make recommendations to the 1995 General Assembly by January 15, 1995, regarding the advisability of such transfers and regarding the effectiveness of the current structure of regional commissions.

(4) Recommend to the 1995 General Assembly by January 15, 1995, a strategy for reducing duplication and fragmentation in State–funded regional economic development organizations.

(h) As used in this subsection, the term "Authority" means the North Carolina Air Cargo Airport Authority doing business as the North Carolina Global TransPark Authority. For purposes of this section, the Global TransPark Development Zone is a regional economic development commission, except that no funds authorized under subsection (i) of this section shall be allocated by the Department to the Global TransPark Development Commission for the Global TransPark Development Zone because funds have been appropriated by the General Assembly for the same fiscal year to the Authority for administration of the Authority and to the Department for promotion of the Global TransPark.

(i) Of the funds appropriated in this act to the Department of Commerce, the sum of two million one hundred thousand dollars ($2,100,000) shall be used for allocation to regional economic development commissions in accordance with this section. These funds shall not revert but shall remain available until used for the purposes set forth in this section.

(j) G.S. 158–8.1(a) reads as rewritten:

"(a) There is created the Western North Carolina Regional Economic Development Commission to serve Buncombe, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, and Yancey ~~Counties.~~ Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce."

(k) G.S. 158–8.2(a) reads as rewritten:

"(a) There is created the Northeastern North Carolina Regional Economic Development Commission to facilitate economic development and tourism development in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrrell, and Washington ~~Counties.~~ Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce."

(l) G.S. 158–8.2(b) reads as rewritten:

"(b) The Commission shall consist of 17 members appointed as follows:

(1) Five members shall be appointed by the Governor, including one developer of northeastern North Carolina, one banker, one county commissioner from Camden, Currituck, Pasquotank, or Perquimans Counties, or from the county or counties assigned to the Commission by the Department of Commerce as authorized by law, and one county commissioner from Beaufort, Bertie, Chowan, or Martin ~~Counties;~~ Counties, or from the county or counties assigned to the Commission by the Department of Commerce as authorized by law;

(2) Five members shall be appointed by the General Assembly upon the recommendation of the President *Pro Tempore* of the Senate in accordance with G.S. 120–121, including one developer of northeastern North Carolina, one banker, and one county commissioner from Dare, Hyde, Tyrrell, or Washington Counties;

(3) Five members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120–121, including one developer of northeastern North Carolina, one banker, and one county commissioner from Halifax, Hertford, Gates, or Northampton Counties;

(4) The Secretary of Commerce or a designee; and

(5) The Secretary of Environment, Health, and Natural Resources, or a designee.

Any person appointed to the Commission in a categorical appointment as a county commissioner may hold such office in addition to the offices permitted by G.S 128–1.1."

(m) G.S. 158–8.3(a) reads as rewritten:

"(a) There is created the Southeastern North Carolina Regional Economic Development Commission to serve Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Pender, Richmond, Robeson, Sampson, and Scotland ~~Counties.~~ Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce."

Requested by: Representatives Nesbitt, H. Hunter, Bowman, Wright, Senators Martin of Pitt, Cochrane

**REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS**

Sec. 28.8. (a) G.S. 158–8.1(a) reads as rewritten:

"(a) There is created the Western North Carolina Regional Economic Development Commission to serve Buncombe, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, and Yancey Counties. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year."

(b) G.S. 158–8.1(d) reads as rewritten:

"(d) Members of the Commission who are State employees shall receive travel expenses as provided in G.S. 138–6. Other Commission members shall receive *per diem* ~~and travel expenses~~ of one hundred dollars ($100.00) a day for each day of service when the Commission meets and shall be reimbursed for travel and subsistence as provided in G.S. 138–5. The Commission may adopt policies authorizing additional *per diem* of one hundred dollars ($100.00) a day for non–State employee members' additional days of service including Commission subcommittee meetings or other Commission activities, plus reimbursement for related travel and subsistence as provided in G.S. 138–5."

(c) G.S. 158–8.2(a) reads as rewritten:

"(a) There is created the Northeastern North Carolina Regional Economic Development Commission to facilitate economic development and tourism development in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrrell, and Washington Counties. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year."

(d) G.S. 158–8.2(h) reads as rewritten:

"(h) Members of the Commission who are State employees shall receive travel expenses as provided in G.S. 138–6. Other Commission members shall receive *per diem* ~~and travel expenses~~ of one hundred dollars ($100.00) a day for each day of service when the Commission meets and shall be reimbursed for travel and subsistence as provided in G.S. 138–5. The Commission may adopt policies authorizing additional per diem of one hundred dollars ($100.00) a day for non–State employee members' additional days of service including Commission subcommittee meetings or other Commission activities, plus reimbursement for related travel and subsistence as provided in G.S. 138–5. Members of the advisory boards who are State employees shall receive travel expenses as provided in G.S. 138–6 for participating in meetings and other official activities authorized by the Commission. Other members of the advisory boards shall receive *per diem* and travel expenses as provided in G.S. 138–5 for participating in meetings and other official activities authorized by the Commission."

(e) G.S. 158–8.3(a) reads as rewritten:

"(a) There is created the Southeastern North Carolina Regional Economic Development Commission to serve Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Pender, Richmond, Robeson, Sampson, and Scotland Counties. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year."

(f) G.S. 158–8.3(d) reads as rewritten:

"(d) Members of the Commission who are State employees shall receive travel expenses as provided in G.S. 138–6. Other Commission members shall receive *per diem* ~~and travel expenses~~ of one hundred dollars ($100.00) a day for each day of service when the Commission meets and shall be reimbursed for travel and subsistence as provided in G.S. 138–5. The Commission may adopt policies authorizing additional *per diem* of one hundred dollars ($100.00) a day for non–State employee members' additional days of service including Commission subcommittee meetings or other Commission activities, plus reimbursement for related travel and subsistence as provided in G.S. 138–5."

Requested by: Representatives James, Bowman, Wright,
Senators Martin of Pitt, Cochrane

**NORTHEASTERN REGIONAL COMMISSION**

Sec. 28.9. G.S. 158–8.2(g) reads as rewritten:

"(g) ~~The Governor shall appoint and set the salary of a Director of Economic Development who shall coordinate the Commission's activities with regard to the economic development program. The Governor shall appoint and set the salary of a Director of Tourism who shall coordinate the Commission's activities with regard to the tourism program.~~

Within the limits of funds available, the Commission may hire and fix the compensation of any other personnel necessary to its operations, contract with consultants for any services as it may require, and contract with the State of North Carolina or the federal government, or any agency or department thereof, for any services as may be provided by those agencies. The Commission may carry out the provisions of any contracts as it may enter.

Within the limits of funds available, the Commission may lease, rent, or purchase, or otherwise obtain suitable quarters and office space for its staff, and may lease, rent, or purchase necessary furniture, fixtures, and other equipment."

Requested by: Senators Martin of Pitt, Cochrane, Hoyle,
Representatives Bowman, H. Hunter, Wright

**POLYMERS EXTENSION PROGRAM**

Sec. 28.11. (a) Four hundred thousand dollars ($400,000) appropriated to the Department of Commerce in this act for the 1994–95 fiscal year shall be transferred to the Board of Governors of The University of North Carolina to be used at the University of North Carolina at Charlotte for the operating expenses of a polymers extension program, a program involving the Industrial Extension Service of North Carolina State University, the University of North Carolina at Charlotte, and the polymer industry to expand the educational, applied research, and technical assistance regarding the State's polymers processing industry.

Requested by: Senators Plyler, Martin of Pitt, Cochrane,
Representatives Bowman, H. Hunter, Wright

**TRAVEL AND TOURISM AREA PROMOTER**

Sec. 28.12. (a) The additional position of Travel and Tourism Area Promoter is added to the Division of Travel and Tourism in the Department of Commerce.

(b) Funds appropriated to the Department of Commerce in this act for fiscal year 1994–95 in the amount of thirty–six thousand five hundred dollars ($36,500) shall be used for the position authorized in this section.

Requested by: Senators Plyler, Martin of Pitt, Cochrane,
Representatives Bowman, H. Hunter, Wright

**RURAL TOURISM DEVELOPMENT FUNDS**

Sec. 28.13. Of the funds appropriated in this act from the General Fund to the Department of Commerce for the 1994–95 fiscal year, the sum of four hundred thousand dollars ($400,000) shall be used for the Rural Tourism Development Grant Program. The Department shall establish and implement this Program to provide grants to local governments and nonprofit organizations to encourage the development of new tourism projects and activities in rural areas of the State. Grant funds shall not be allocated for projects or activities eligible to receive funds from the Department's Tourism Promotion Grant Program. The Secretary shall establish guidelines for eligibility to receive grants under the Rural Tourism Development Grant Program. No recipient or new tourism project shall receive a total of more than fifty thousand dollars ($50,000) of these grant funds for the 1994–95 fiscal year.

Requested by: Representatives H. Hunter, Bowman, Wright,
Senators Martin of Pitt, Cochrane

**SMALL BUSINESS SURETY BONDS FUNDS CONTINGENCY**

Sec. 28.14. The funds appropriated in this act to the Department of Commerce for the Small Business Surety Bond Fund established in Part 16 of Article 10 of Chapter 143B of the General Statutes shall be contingent upon the ratification of House Bill 2057 by the 1993 General Assembly, Regular Session 1994.

Requested by: Representatives Bowman, H. Hunter, Wright,
Senators Martin of Pitt, Cochrane

**EXPAND NORTH CAROLINA INDUSTRIAL COMMISSION**

Sec. 28.15. (a) G.S. 97–77 reads as rewritten:

"§ 97–77. North Carolina Industrial Commission created; members appointed by Governor; terms of office; chairman.

(a) There is hereby created a commission to be known as the North Carolina Industrial Commission, consisting of ~~three~~ seven commissioners who shall devote their entire time to the duties of the Commission. The Governor shall appoint the members of the Commission, one for a term of two years, one for a term of four years, and one for a term of six years. Of the additional appointments made in 1994, one shall be for a term expiring June 30, 1996, one for a term expiring June 30, 1998, and two for terms expiring June 30, 2000. Upon the expiration of each term as above mentioned, the Governor shall appoint a successor for a term of six years, and thereafter the term of office of each commissioner shall be six years. Not more than ~~one appointee~~ three appointees shall be ~~a person~~ persons who, on account of ~~his~~ their previous ~~vocation,~~ vocations, employment or affiliations, can be classed as ~~a representative~~ representatives of employers, and not more than ~~one appointee~~ three appointees shall be ~~a person~~ persons who, on account of ~~his~~ their previous ~~vocation,~~ vocations, employment or affiliations, can be classed as ~~a representative~~ representatives of employees.

(b) One member, to be designated by the Governor, shall act as chairman. The chairman shall be the chief judicial officer and the chief executive officer of the Industrial Commission; such authority shall be exercised pursuant to the provisions of Chapter 126 of the General Statutes and the rules and policies of the State Personnel Commission. Notwithstanding the provisions of this Chapter, the chairman shall have such authority as is necessary to direct and oversee the Commission. The chairman may delegate any duties and responsibilities as may be necessary to ensure the proper management of the Industrial Commission. Notwithstanding the provisions of this Chapter, Chapter 143A, and Chapter 143B of the General Statutes, the chairman may hire or fire personnel and transfer personnel within the Industrial Commission.

The Governor may designate one vice–chairman from the remaining two commissioners. The vice–chairman shall assume the powers of the chairman upon request of the chairman or when the chairman is absent for 24 hours or more. The authority delegated to the vice–chairman shall be relinquished immediately upon the return of the chairman or at the request of the chairman."

(b) This section becomes effective August 1, 1994, and applies to appointments made on and after that date.

Requested by: Representatives Alphin, Bowman, H. Hunter, Wright,
Senators Martin of Pitt, Cochrane

**ECONOMIC DEVELOPMENT OF DUPLIN COUNTY**

Sec. 28.16. If G.S. 160A–457.1 or any other provision of Part 8 of Article 19 of Chapter 160A of the General Statutes, read together with G.S. 160A–360(a), limits the territory in which the Town of Faison may use Community Development Block Grant funds, then notwithstanding G.S. 160A–360(a), the Town of Faison may use such funds for financing of extension of natural gas lines from Mt. Olive to the Bowden area.

Requested by: Representatives Bowman, H. Hunter, Wright,
Senators Martin of Pitt, Cochrane

**CENTER FOR COMMUNITY SELF–HELP FUNDS**

Sec. 28.17. (a) Of the funds appropriated in this act to the Department of Commerce, the sum of five million dollars ($5,000,000) for the 1994–95 fiscal year shall be allocated to the Center for Community Self–Help to further a statewide

program of lending for home ownership throughout North Carolina. These funds will be leveraged on a ten–to–one basis, generating at least ten dollars ($10.00) of nontraditional home loans for every one dollar ($1.00) of State funds. Payments of principal shall be available for further loans or loan guarantees.

(b) The Center for Community Self–Help shall submit, within 180 days after the close of its fiscal year, audited financial statements to the State Auditor. All records pertaining to the use of State funds shall be made available to the State Auditor upon request. The Center for Community Self–Help shall make quarterly reports on the use of State funds to the State Auditor, in form and format prescribed by the State Auditor or his designee. The Center for Community Self–Help shall make a written report by May 1 of each year for the next three years to the General Assembly on the use of the funds allocated under this section.

(c) The Center for Community Self–Help shall report to the Joint Legislative Commission on Governmental Operations, the House Appropriations Subcommittee on Natural and Economic Resources, the Senate Appropriations Committee on Natural and Economic Resources, and the Department of Commerce on a quarterly basis for the next three years.

(d) The Office of the State Auditor may conduct an annual end–of–year audit of the revolving fund for economic development lending created by this appropriation for each year of the life of the revolving fund.

(e) If the Center for Community Self–Help dissolves, the corporation shall transfer the remaining assets of the revolving fund to the State and shall refrain from disposing of the revolving fund assets without approval of the State Treasurer.

(f) The Office of State Budget and Management shall disburse this appropriation within 15 working days of the receipt of a request for the funds from the Center for Community Self–Help. The request shall include a commitment of the leveraged funds by the Center for Community Self–Help or its affiliates.

Requested by: Senator Plyler

**UNINSURED EMPLOYERS' FUND**

Sec. 28.19. Of the funds appropriated in this act to the Department of Commerce, the sum of three hundred thousand dollars ($300,000) shall be allocated to the Uninsured Employers' Fund for fiscal year 1994–95 to carry out the purposes of the Fund as provided under Chapter 97 of the General Statutes.

Requested by: Senators Martin of Pitt, Cochrane,
Representatives Bowman, H. Hunter, Wright

**FRAUD INVESTIGATION FUNDS**

Sec. 28.20 Of the funds appropriated in this act to the Department of Commerce for the North Carolina Industrial Commission for the 1994–95 fiscal year, the sum of one hundred thousand dollars ($100,000) shall be transferred to the Department of Insurance to be used to investigate suspected fraud and all violations related to workers' compensation claims, by or against insurers or self–funded employers, pursuant to G.S. 97–88.2, as enacted by Chapter 679 of the 1993 Session Laws.

Requested by: Senators Cochrane, Daniel, Folger, Kaplan, Lee, Martin of Guilford, Sands, Seymour, Shaw, Walker, and Ward

**PIEDMONT SPORTS AND ENTERTAINMENT FACILITIES STUDY COMMISSION**

Sec. 28.21. (a) The Piedmont Sports and Entertainment Study Commission is created. The Commission shall consist of 35 members. The boards of county

commissioners of Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Randolph, Rockingham, Stokes, Surry, and Yadkin Counties shall, each, appoint two members of the Commission; one of whom shall be a county commissioner of that county and one of whom is a resident of that county recommended by the chamber of commerce serving that county. Eleven members shall be appointed by the Chair of the Commission. The chair and vice–chair of the Piedmont State Legislative Caucus, as the Caucus existed during the 1994 Regular Session, shall be *ex officio* members of the Commission and shall serve, respectively, as the chair and vice–chair of the Commission.

(b) The Commission shall study the need for and feasibility of creating regional sports and entertainment facilities to serve the Piedmont area of the State; and, if the Commission determines the facilities are needed and their creation feasible, the best method to establish an Authority to implement these facilities.

(c) The Commission shall submit a report of its findings and recommendations to the General Assembly on or before the first day the 1995 General Assembly by filing the report with the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives. Upon filing its report, the Commission shall terminate.

(d) The Commission may meet at any time upon the call of the chair. The Commission may meet, with the approval of the Legislative Services Commission, in the State Legislative Building or the Legislative Office Building.

(e) Notwithstanding any other provision of law, members of the Commission shall receive no *per diem* compensation, but shall receive reimbursement of subsistence and travel expenses, as provided by law.

(f) The Commission may contract for professional, clerical, or consultant services. The Department of Commerce shall assign professional and clerical staff to assist in the work of the Commission.

(g) When a vacancy occurs in the membership of the Commission, the vacancy shall be filled by the original appointing authority employing the same criteria as used in the original appointment.

(h) From the funds appropriated to the Department of Commerce for fiscal year 1994–95, the sum of twenty–five thousand dollars ($25,000) shall be used for the expenses of the Commission.

## PART 29. DEPARTMENT OF LABOR

Requested by: Representative Bowman, Senator Martin of Pitt

**PRIVATE PERSONNEL SERVICE ADVISORY COUNCIL**

Sec. 29. (a) G.S. 95–47.4(b) reads as rewritten:

"(b) Any contract that obligates an applicant to pay a fee to the private personnel service shall include:

(1) The name, address and telephone number of the private personnel service;
(2) The name of the applicant;
(3) The date the contract was signed;
(4) A clear schedule of the fees to be charged to the applicant at various salary levels;
(5) A clear explanation of when the applicant becomes obligated to pay a fee;
(6) A clear refund policy (or no refund policy) that conforms to the requirements of G.S. 95–47.4(f) and (g);
(7) If the applicant is obligated whether or not the applicant accepts employment, a clear explanation of the services provided and a statement that the

private personnel service does not guarantee that the applicant will obtain employment as a result of its services;

(8) A statement, in a type size no smaller than nine point, directly above the place for the applicant's signature, that reads as follows: 'I have read and received a copy of this CONTRACT, which I understand makes me legally obligated to pay a fee under conditions outlined ~~below~~ above.' In the preceding statement the word 'CONTRACT' and no others shall be in all capitals; and

(9) A statement that the private personnel service is licensed and regulated by the Commissioner and the address at which a copy of laws and regulations governing private personnel services may be obtained."

(b) G.S. 95–47.7(a) reads as rewritten:

"(a) There is hereby established the North Carolina Private Personnel Service Advisory Council. The Council shall be composed of 12 members appointed by the Commissioner. Each member of the Council shall be domiciled in this State for at least three years immediately preceding his appointment and be of good moral character. At least five members shall have occupied for at least three years immediately preceding their appointment, and shall occupy at the time of appointment, executive or managerial positions in the private personnel service industry in North Carolina; and at least three shall have occupied, for at least three years immediately preceding their appointment, executive or managerial positions as personnel officers in companies which regularly utilize the services of private personnel services in obtaining employees. Members of the Council shall serve without ~~salary.~~ salary, but shall be paid per diem, subsistence, and travel allowance in accordance with Chapter 138 of the General Statutes."

(c) This section is effective upon ratification of this act.

## TITLE II. CAPITAL IMPROVEMENTS

### PART 30. INTRODUCTION

Sec. 30. The appropriations made by the 1994 General Assembly for capital improvements are for constructing, repairing, or renovating State buildings, utilities, and other capital facilities, for acquiring sites for them where necessary, and for acquiring buildings and land for State government purposes.

### PART 31. PROCEDURES FOR DISBURSEMENTS

Sec. 31. The appropriations made by the 1994 General Assembly for capital improvements shall be disbursed for the purposes provided by this act. Expenditure of funds shall not be made by any State department, institution, or agency, until an allotment has been approved by the Governor as Director of the Budget. The allotment shall be approved only after full compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes. Prior to the award of construction contracts for projects to be financed in whole or in part with self–liquidating appropriations, the Director of the Budget shall approve the elements of the method of financing of those projects including the source of funds, interest rate, and liquidation period. Provided, however, that if the Director of the Budget approves the method of financing a project, the Director shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting.

Where direct capital improvement appropriations include the purpose of furnishing fixed and movable equipment for any project, those funds for equipment shall not be subject to transfer into construction accounts except as authorized by the

Director of the Budget. The expenditure of funds for fixed and movable equipment and furnishings shall be reviewed and approved by the Director of the Budget prior to commitment of funds.

Capital improvement projects authorized by the 1994 General Assembly shall be completed, including fixed and movable equipment and furnishings, within the limits of the amounts of the direct or self–liquidating appropriations provided, except as otherwise provided in this act.

## PART 32. CAPITAL IMPROVEMENTS/GENERAL FUND

Sec. 32. Appropriations are made from the General Fund for the 1994–95 fiscal year for use by the State departments, institutions, and agencies to provide for capital improvement projects according to the following schedule:

| | 1994–95 |
|---|---|
| GENERAL ASSEMBLY (Total) | 6,200,000 |
| 1. Complete Renovation of HVAC System | 6,200,000 |
| DEPARTMENT OF ADMINISTRATION (Total) | 51,364,500 |
| 1. Reserve for Repairs/Renovation of the Old Education and Revenue Buildings | 20,000,000 |
| 2. Natural Science Museum and Wet Lab Collection | 30,934,500 |
| 3. State Government Visitors' Center–Planning | 430,000 |
| DEPARTMENT OF AGRICULTURE (Total) | 10,120,950 |
| 1. Eastern North Carolina Agricultural Center – Phase I Completion | 3,600,000 |
| 2. Cattle and Livestock Exposition Center | 737,350 |
| 3. Dairy Milking Parlor – Umstead Research Station – Supplement | |
| Requirements | $387,000 |
| Timber Receipts | 387,000 |
| State Appropriation | |
| 4. Southeastern Farmer's Market – Development | 3,600,000 |
| 5. Western North Carolina Agricultural Facilities Development | 1,900,000 |
| 6. Tidewater Research Station | 283,600 |
| UNIVERSITY – BOARD OF GOVERNORS (Total) | 47,300,000 |
| 1. UNC–Chapel Hill – Planning funds for Law School | 1,000,000 |
| 2. UNC–Chapel Hill – Institute of Government – Renovation/Planning | 700,000 |
| 3. UNC–Chapel Hill – Renovate Hill Hall | 850,000 |
| 4. UNC–Chapel Hill – School Leadership Academy Facility – Planning | 100,000 |
| 5. N.C. State University – Centennial Center | 6,500,000 |
| 6. N.C. State University – Agricultural Extension – Planning and Construction of 4–H Youth Development Center – Northeastern North Carolina – Planning/Site Preparation | 500,000 |

| | |
|---|---|
| 7. N.C. State University Ag Extension: 4–H Youth Development (ADA) | 2,000,000 |
| 8. UNC–Asheville – Kellogg Center | 250,000 |
| 9. UNC–Charlotte – Library Planning Funds | 900,000 |
| 10. UNC–Greensboro – University Center | 5,000,000 |
| 11. School of the Arts – Student Activities Center | 2,250,000 |
| 12. East Carolina University – Life Sciences Building | 4,850,000 |
| 13. Winston–Salem State University – Land Acquisition | 1,000,000 |
| 14. Fayetteville State University – Fine Arts Center Planning | 750,000 |
| 15. N.C. Central University Biotechnology | 8,000,000 |
| 16. N.C. A.& T. – Land Acquisitions | 1,000,000 |
| 17. Appalachian State University Convocation Center–Planning/Design/Site Preparation | 9,750,000 |
| 18. UNC–Wilmington – Marine Sciences Building– Planning Supplement | 1,100,000 |
| 19. Pembroke – Sampson Hall Business Building Renovations | 800,000 |
| DEPARTMENT OF COMMUNITY COLLEGES (Total) | 300,000 |
| 1. Center for Applied Textile Technology – Renovations, Parking, and Site Improvements | 300,000 |
| DEPARTMENT OF CULTURAL RESOURCES (Total) | 9,720,000 |
| 1. Fort Fisher State Historic Site Erosion Control Measures | |
| Requirements | $8,340,000 |
| Receipts–Federal | 4,170,000 |
| State Appropriation | 4,170,000 |
| 2. Elizabeth II State Historic Site | 5,000,000 |
| 3. Spencer Shops | 300,000 |
| 4. Museum of the Cape Fear – Branch of the State Museum of History | 250,000 |
| DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES (Total) | 24,224,000 |
| 1. North Carolina Aquariums – Planning | 950,000 |
| 2. Water Resources (Civil Works) Development Projects | 2,750,000 |
| 3. Wilmington Harbor Ocean Bar Deepening | 10,906,000 |
| 4. Falls Lake Recreation/Jordan Water Supply – Repayment | 9,527,000 |
| 5. Bulkhead Project – Town of Oriental | 91,000 |
| DEPARTMENT OF HUMAN RESOURCES (Total) | 3,224,100 |
| 1. Detention Center, Buncombe County Capital Needs | 205,000 |
| 2. Student Activity/Recreation Complex at the Eastern N.C. School for the Deaf | 3,019,100 |

| | |
|---|---|
| DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY (Total) | 62,500 |
| 1. Beulaville Armory – Renovations | 50,000 |
| 2. Warsaw Armory – Renovations | 12,500 |
| STATE BUDGET (Total) | 250,000 |
| 1. Prison Chapels Reserve | 250,000 |
| TOTAL CAPITAL IMPROVEMENTS/GENERAL FUND | $152,766,050 |

**PART 33. CAPITAL IMPROVEMENTS/HIGHWAY FUND**

| | |
|---|---|
| Department of Transportation | |
| 1. Reserve for Capital Improvements | 2,500,000 |
| Appropriations for Other State Agencies | |
| 1. Crime Control and Public Safety Leaking Underground Storage Tank | 500,000 |
| GRAND TOTAL CAPITAL IMPROVEMENTS/HIGHWAY FUND | $ 3,000,000 |

**PART 34. OFFICE OF STATE BUDGET AND MANAGEMENT**

Requested by: Senators Conder, Plyler

**RICHMOND EDUCATIONAL CENTER FUNDS**

Sec. 34. Funds appropriated in this act to the Office of State Budget and Management for the 1994–95 fiscal year for Richmond County to use to renovate the Leak Street Educational Center for use as a facility to help at–risk children through counseling, job interview training, and computer training shall be allocated to Richmond County provided that the funds are matched on the basis of one dollar ($1.00) of non–State funds for every one dollar ($1.00) of State funds.

Requested by: Senator Plyler

**WORLD LANGUAGE CENTER FUNDS**

Sec. 34.1. Funds appropriated in this act to the Office of State Budget and Management for the 1994–95 fiscal year for the North Carolina Center for World Languages and Cultures, Inc., shall be used for planning of the Center. The funds may be used for concept development, concept refinement, preliminary specifications and drawings, development of complete and comprehensive plan and specifications, and preliminary infrastructure development.

Requested by: Senators Richardson, Blackmon, Odom, Plyler, Winner of Mecklenburg, Martin of Pitt, Cochrane,
Representatives Easterling, Black, Lemmond, McLaughlin, Dickson, Bowman, H. Hunter, Wright

**DISCOVERY PLACE/CAPITAL FUNDS**

Sec. 34.3. Of the funds appropriated in this act to the Department of Agriculture for the 1994–95 fiscal year the sum of two million six hundred thousand dollars ($2,600,000) shall be used for capital expenses of Discovery Place in Charlotte. These funds shall be matched on the basis of three dollars ($3.00) of non–State funds for every one dollar ($1.00) of State funds.

**PART 35. GENERAL GOVERNMENT**

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**EXPENDITURE OF FUNDS FROM RESERVE FOR REPAIRS AND RENOVATIONS**

Sec. 35. Section 22 of Chapter 561 of the 1993 Session Laws reads as rewritten:

"Sec. 22. Of the funds in the Reserve for Repairs and Renovations for the ~~1993-94~~ 1994-95 fiscal year, fifty-five percent (55%) shall be allocated to the Board of Governors of The University of North Carolina for repairs and renovations to General Fund supported facilities and related infrastructure in The University of North Carolina, including the North Carolina School of Science and Math, and forty-five percent (45%) shall be allocated to the Office of State Budget and Management for necessary repairs and renovations to all other General Fund supported facilities and related infrastructure. From this Reserve the Board of Governors may expend thirty-three million dollars ($33,000,000), and the Office of State Budget and Management may expend twenty-seven million dollars ($27,000,000) for repairs and renovation, improvements to roads and walks, architectural barrier removal, and North Carolina Occupational Safety and Health Act projects.

Notwithstanding G.S. 143-15.3A, the Board of Governors may allocate funds for the repair and renovation of facilities not supported from the General Fund if the Board determines that sufficient funds are not available from other sources and that conditions warrant General Fund assistance. Any such finding shall be included in the Board's submission to the Joint Legislative Commission on Governmental Operations on the proposed allocation of funds.

The Board of Governors and the Office of State Budget and Management shall submit to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office, for their review, the proposed allocation of these funds. Subsequent changes in the proposed allocations shall be reported prior to expenditure to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office."

## PART 36. DEPARTMENT OF CULTURAL RESOURCES

Requested by: Senator Martin of Guilford

### AFRICAN-AMERICAN TOURISM SITE COMMITTEE

Sec. 36. (a) The Secretary of the Department of Cultural Resources is encouraged to appoint an Advisory Committee on Tourism at North Carolina Sites Highlighting African-American Accomplishments. Should such a committee be appointed, the Secretary is encouraged to include as members persons who:

(1) Directly participated in the planning, leadership, or implementation of the North Carolina sit-in movement of 1960;
(2) Have done scholarly work related to the Civil Rights Movement of the 1960s as was manifested in this State;
(3) Are knowledgeable about North Carolina's travel and tourism industry;
(4) Have an understanding of and appreciation for the contributions made by African-Americans relative to development and evolution of this State; or
(5) Are members of the North Carolina General Assembly.

(b) The committee, should it be appointed, is encouraged to study and make recommendations to the Secretary of Cultural Resources, the Governor, and the General Assembly on all of the following:

(1) Programming, activities, and site development that will best enhance ongoing public visitation and attract national and international travel and tourism attention for sites that highlight and reflect African-American accomplishments, while placing initial emphasis on those sites that have been designated as State Historic Sites.

(2) Related to the State's role in supporting programming and activities, equipping, assisting with renovations, or otherwise promoting efforts to create a civil rights center and museum commemorating the sit–in movement of the 1960s. Such recommendations, if any, should be designed to promote the general public's understanding of and appreciation for the sit–in movement and other civil rights efforts encompassing the 1960s.

(3) Regarding the expenditure of any State funds related to a civil rights center and museum.

Requested by: Senators Daniel, Plyler,
Representatives Diamont, Nesbitt, H. Hunter, Bowman

**LOCAL HISTORICAL ORGANIZATIONS GRANTS**

Sec. 36.1. Of the funds appropriated in this act for the 1994–95 fiscal year to the Department of Cultural Resources the sum of two million dollars ($2,000,000) shall be distributed as grants–in–aid to nonprofit historical organizations, nonprofit museums, or local governmental entities on a competitive basis in accordance with administrative guidelines issued by the Secretary of the Department of Cultural Resources. The purpose of the grants shall be to encourage, through the use of grants–in–aid, the protection, preservation, and interpretation of historic assets with local or regional significance. Priority consideration shall be given to the local historical organization's educational objectives. Grants shall be limited to amounts of one hundred thousand dollars ($100,000) or less.

Requested by: Senators Daniel, Plyler,
Representatives Diamont, Nesbitt, H. Hunter, Bowman

**LOCAL CULTURAL AND ARTISTIC ORGANIZATIONS GRANTS**

Sec. 36.2. Of the funds appropriated in this act for the 1994–95 fiscal year to the Department of Cultural Resources the sum of two million dollars ($2,000,000) shall be distributed as grants–in–aid to nonprofit local cultural or artistic organizations or local governmental entities on a competitive basis in accordance with administrative guidelines issued by the Secretary of the Department of Cultural Resources. The purpose of the grants shall be to support and promote, through the use of grants–in–aid, local cultural and artistic organizations with local or regional significance. Priority consideration shall be given to the local cultural or artistic organization's educational objectives. Grants shall be limited to amounts of one hundred thousand dollars ($100,000) or less.

Requested by: Representatives Nesbitt, Diamont

**ART MUSEUM AMPHITHEATER**

Sec. 36.3. The Department of Cultural Resources, North Carolina Museum of Art, may use additional gifts and grants to supplement the Art Museum Amphitheater capital project authorized in Section 4 of Chapter 1044 of the 1991 Session Laws, Regular Session 1992. The total scope of the project shall not exceed two million dollars ($2,000,000) and shall not include any appropriated State funds.

**PART 37. COLLEGES AND UNIVERSITIES**

Requested by: Senators Warren, Martin of Pitt, Ward,
Representatives Black, Rogers, Nesbitt, Diamont

**ECU MEDICAL SCHOOL FUNDS**

Sec. 37. There is appropriated to the Board of Governors of The University of North Carolina from Medicare reimbursements being held in the special fund account

on deposit with the State Treasurer created pursuant to Section 87(a)(3) of Chapter 321 of the 1993 Session Laws the sum of five million fifty–four thousand six hundred sixty–five dollars ($5,054,665) for the 1994–95 fiscal year which shall be allocated by the Board of Governors for the East Carolina School of Medicine as follows:

(1) $2,300,000 for construction of a medical waste incinerator;
(2) $1,574,000 for a linear accelerator; and
(3) $1,180,665 for clinic renovations.

Requested by: Senator Warren

**4–H YOUTH DEVELOPMENT CENTER FUNDS**

Sec. 37.1. Of the funds appropriated in this act from the General Fund to the Board of Governors of The University of North Carolina the sum of five hundred thousand dollars ($500,000) for the 1994–95 fiscal year shall be used for the planning and construction of a 4–H Center, provided that these funds are matched on the basis of one dollar ($1.00) of non–State funds for every one dollar ($1.00) of State funds not to include federal appropriations over a period of four years beginning the first year of operation. The appropriated funds will be disbursed based upon the approval of the design of the 4–H Center by the State of North Carolina.

Requested by: Senators Daniel, Plyler

**UNC–G UNIVERSITY CENTER FUNDS**

Sec. 37.2. Of the funds appropriated in this act to the Board of Governors of The University of North Carolina for UNC–Greensboro – University Center, the sum of three million six hundred thousand dollars ($3,600,000) shall be available for land needs and the sum of ome million four hundred thousand dollars ($1,400,000) shall be available to help support the Spring Garden Street traffic and safety project.

Requested by: Senator Martin of Guilford

**NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY FUNDS**

Sec. 37.3. Of the funds appropriated to the Board of Governors of The University of North Carolina in Section 6 of Chapter 561 of the 1993 Session Laws for the Applied Manufacturing and Education Center affiliated with North Carolina Agricultural and Technical State University that are unencumbered as of the effective date of this act, the sum of four hundred fifty thousand dollars ($450,000) may be used by the Board for planning, development, and one–time initial costs of the Center. The Board of Governors shall present a plan for the use of the funds to the Joint Legislative Commission on Governmental Operations. The plan shall include all financial, organizational, and legal arrangements pertaining to the use of these funds and the proposed use of the balance of the three million five hundred thousand dollars ($3,500,000) appropriated for this purpose. The plan shall include projections and plans for the operation of the facility, including operating costs.

**PART 38. DEPARTMENT OF TRANSPORTATION**

Requested by: Senator Lee,
Representatives McAllister, McLaughlin

**RESERVE FOR CAPITAL IMPROVEMENTS–HIGHWAY FUND**

Sec. 38. There is created in the Highway Fund a reserve for capital improvements in the amount of two million five hundred thousand dollars ($2,500,000). These funds may be used by the Department of Transportation for capital improvements and for repairs and renovations.

**PART 39. DEPARTMENT OF HUMAN RESOURCES**

Requested by: Representatives Easterling, Nye, Nesbitt, Diamont, Senators Daniel, Plyler

**CAPITAL FUNDS FOR MENTAL HEALTH INSTITUTIONS**

Sec. 39. The Office of State Budget and Management shall review the capital needs of the State Mental Health, Developmental Disabilities, and Substance Abuse Facilities, and shall ensure that these needs are considered in the expenditure of Repairs and Renovations funds.

**PART 40. DEPARTMENT OF AGRICULTURE**

Requested by: Representatives James, Bowman, H. Hunter, Wright, Senators Martin of Pitt, Cochrane

**CATTLE AND LIVESTOCK EXPOSITION CENTER**

Sec. 40. Of the funds appropriated in this act to the Department of Agriculture for the 1994–95 fiscal year, the sum of seven hundred thirty–seven thousand three hundred fifty dollars ($737,350) shall be used for planning the construction of the Cattle and Livestock Exposition Center in Alamance County. The Center will house livestock shows and exhibits, educational programs, and a laboratory for embryo transfer research, semen evaluation, and livestock blood work.

**PART 41. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES**

Requested by: Representatives Bowman, H. Hunter, Wright, Senators Martin of Pitt, Cochrane

**WATER RESOURCES DEVELOPMENT PROJECTS FUNDS**

Sec. 41. (a) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources for the 1994–95 fiscal year the sum of two million seven hundred fifty thousand dollars ($2,750,000) shall be used for water resources development projects. The Department shall allocate funds for the following projects whose estimated costs are as indicated:

| | | |
|---|---|---|
| (1) | Wilmington Harbor Deepening Study | $ 300,000 |
| (2) | Wilmington Harbor 38–ft. Navigation | 400,000 |
| (3) | Aquatic Plant Control (Statewide) includes Lake Gaston | 150,000 |
| (4) | Carolina Beach Renourishment (New Hanover County) | 900,000 |
| (5) | Dare County Beaches Feasibility Study | 200,000 |
| (6) | State–Local Projects | 800,000 |

(b) Where the actual costs are different from the estimated costs under subsection (a) of this section, the Department may adjust the allocations among projects as needed. If any projects listed in subsection (a) of this section are delayed and the budgeted State funds cannot be used during the 1994–95 fiscal year, or if the projects listed in subsection (a) of this section are accomplished at a lower cost, the Department may use the resulting fund availability to fund:

(1) Corps of Engineers project feasibility studies, or
(2) Corps of Engineers projects whose schedules have advanced and require State matching funds in fiscal year 1994–95, or
(3) State–local Water Resources Development Projects.

Funds not expended or encumbered for these purposes shall revert to the General Fund at the end of the 1995–96 fiscal year.

(c) The Department shall make quarterly reports on the use of these funds to the Joint Legislative Commission on Governmental Operations, the Fiscal Research Division, and the Office of State Budget and Management. Each report shall include:

(1) All projects listed in this section;
(2) The estimated cost of each project;
(3) The date that work on each project began or is expected to begin;
(4) The date that work on each project was completed or is expected to be completed; and
(5) The actual cost of each project.

The quarterly reports shall also show those projects advanced in schedule, those projects delayed in schedule, and an estimate of the amount of funds expected to revert to the General Fund.

## PART 42. GENERAL CAPITAL PROVISIONS

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**RESERVE FOR ADVANCE PLANNING**

Sec. 42. The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division on how it intends to spend funds from the Reserve for Advance Planning at least 45 days before it spends the funds.

The Office of State Budget and Management shall also report the results of any project on which it uses funds from the Reserve for Advance Planning to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND**

Sec. 42.1. When each capital improvement project appropriated by the 1993 General Assembly, other than those projects under the Board of Governors of The University of North Carolina, is placed under a construction contract, direct appropriations shall be encumbered to include all costs for construction, design, investigation, administration, movable equipment, and a reasonable contingency. Unencumbered direct appropriations remaining in the project budget shall be placed in a project reserve fund credited to the Office of State Budget and Management. Funds in the project reserve may be used for emergency repair and renovation projects at State facilities with the approval of the Director of the Budget. The project reserve fund may be used, at the discretion of the Director of the Budget, to allow for award of contracts where bids exceed appropriated funds, if those projects supplemented were designed within the scope intended by the applicable appropriation or any authorized change in it, and if, in the opinion of the Director of the Budget, all means to award contracts within the appropriation were reasonably attempted. At the discretion of the

Director of the Budget, any balances in the project reserve fund shall revert to the original source.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**PROJECT COST INCREASE**

Sec. 42.2. Upon the request of the administration of a State agency, department, or institution, the Director of the Budget may, when in the Director's opinion it is in the best interest of the State to do so, increase the cost of a capital improvement project. Provided, however, that if the Director of the Budget increases the cost of a project, the Director shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting. The increase may be funded from gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, or direct capital improvement appropriations to that department or institution.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**NEW PROJECT AUTHORIZATION**

Sec. 42.3. Upon the request of the administration of any State agency, department, or institution, the Governor may authorize the construction of a capital improvement project not specifically authorized by the General Assembly if such project is to be funded by gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, or self–liquidating indebtedness. Provided, however, that if the Director of the Budget authorizes the construction of such a capital improvement project, the Director shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS**

Sec. 42.4. Funds which become available by gifts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal or private grants, receipts becoming a part of special funds by act of the General Assembly or any other funds available to a State department or institution may be utilized for advance planning through the working drawing phase of capital improvement projects, upon approval of the Director of the Budget. The Director of the Budget may make allocations from the Advance Planning Fund for advance planning through the working drawing phase of capital improvement projects, except that this revolving fund may not be utilized by the Board of Governors of The University of North Carolina or the State Board of Community Colleges.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**APPROPRIATIONS LIMITS/REVERSION OR LAPSE**

Sec. 42.5. Except as permitted in previous sections of this act, the appropriations for capital improvements made by the 1993 General Assembly may be expended only for specific projects set out by the 1993 General Assembly and for no other purpose. Construction of all capital improvement projects enumerated by the 1993 General Assembly shall be commenced, or self–liquidating indebtedness with respect to

them shall be incurred, within 12 months following the first day of the fiscal year in which the funds are available. If construction contracts on those projects have not been awarded or self–liquidating indebtedness has not been incurred within that period, the direct appropriation for those projects shall revert to the original source, and the self–liquidating appropriation shall lapse; except that direct appropriations may be placed in a reserve fund as authorized in this act. This deadline with respect to both direct and self–liquidating appropriations may be extended with the approval of the Director of the Budget up to an additional 12 months if circumstances and conditions warrant such extension.

## TITLE III. MISCELLANEOUS OPERATING AND CAPITAL APPROPRIATIONS PROVISIONS

### PART 43. MISCELLANEOUS PROVISIONS

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Daniel

**EXECUTIVE BUDGET ACT APPLIES**

Sec. 43. The provisions of the Executive Budget Act, Chapter 143, Article 1 of the General Statutes are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**COMMITTEE REPORT**

Sec. 43.1. (a) The Senate and House Conference Report on Base Budget Reductions and Expansion Budget, dated July 16, 1994, which was distributed in the Senate and House of Representatives and used to explain this act, shall indicate action by the General Assembly on this act and shall therefore be used to construe this act, as provided in G.S. 143–15 of the Executive Budget Act, and for these purposes shall be considered a part of this act.

(b) The budget enacted by the General Assembly for the maintenance of the various departments, institutions, and other spending agencies of the State for the 1993–95 fiscal biennium is a line item budget, in accordance with the Budget Code Structure and the State Accounting System Uniform Chart of Accounts set out in the Administrative Policies and Procedures Manual of the Office of the State Controller. This budget includes the appropriations made from all sources including the General Fund, Highway Fund, special funds, cash balances, federal receipts, and departmental receipts.

The General Assembly amended the itemized budget requests submitted to the General Assembly by the Director of the Budget and the Advisory Budget Commission, in accordance with the steps that follow, and the line item detail in the budget enacted by the General Assembly may be derived accordingly:

(1) Negative reserves set out in the submitted budget were deleted and the totals were increased accordingly.

(2) The base budget was adjusted in accordance with the base budget cuts and additions that were set out in the The Senate and House Conference Report on Base Budget Reductions and Expansion Budget, dated July 16, 1994.

(3) The expansion budget items were added in accordance with the The Senate and House Conference Report on Base Budget Reductions and Expansion

Budget, dated July 16, 1994. Some of those expansion budget items were in the budget submitted to the General Assembly by the Director of the Budget and the Advisory Budget Commission.

Expansion budget items that were funded from new receipts are included in the budget enacted by the General Assembly with program–level detail.

(4) Transfers of funds supporting programs were made in accordance with the The Senate and House Conference Report on Base Budget Reductions and Expansion Budget, dated July 16, 1994, and any accompanying correction sheets.

The budget enacted by the General Assembly shall also be interpreted in accordance with the special provisions in this act and in accordance with other appropriate legislation.

In the event that there is a conflict between the line item budget certified by the Director of the Budget and the budget enacted by the General Assembly, the budget enacted by the General Assembly shall prevail.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**MOST TEXT APPLIES ONLY TO 1994–95**

Sec. 43.2. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1994–95 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1994–95 fiscal year.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**1993–94 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY**

Sec. 43.3. (a) Except where expressly repealed or amended by this act, the provisions of Chapters 321, 561, and 591 of the 1993 Session Laws, and Chapter 24 of the Session Laws of the 1994 Extra Session remain in effect.

(b) Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1994–95 fiscal year in Chapters 321 and 561 of the 1993 Session Laws, and Chapter 24 of the Session Laws of the 1994 Extra Session, that applied to appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations and budget reductions of this act for those same particular purposes.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**EFFECT OF HEADINGS**

Sec. 43.4. The headings to the titles, parts, and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**SEVERABILITY CLAUSE**

Sec. 43.5. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Requested by: Senators Daniel, Plyler,
Representatives Nesbitt, Diamont

**EFFECTIVE DATE**

Sec. 43.6. Except as otherwise provided, this act becomes effective July 1, 1994.

Pursuant to Sec. 43.1(a), *see Addendum* for the text of the Senate and House Conference Report on Base Budget Reductions and Expansion Budget dated July 16, 1994.

On motion of Senator Daniel, the Conference Report is adopted on second (25–8) and third readings and a message is ordered sent to the House of Representatives informing that Honorable Body of such action to the end that when a like action is taken by the House of Representatives, the Senate will order the measure enrolled.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**S.B. 1505**
(House Committee Substitute)

House of Representatives
July 16, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to **SB 1505** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 1993, TO MAKE APPROPRIATIONS FOR CAPITAL IMPROVEMENTS FOR THE 1994–95 FISCAL YEAR, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

The Senate having adopted the Conference Committee report earlier, the President orders the House Committee Substitute bill enrolled.

## CONFERENCE REPORT

**H.B. 1062** (Senate Committee Substitute)

Senator Lee for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1062** (Committee Substitute), a bill to provide that a mentally retarded person convicted of first degree murder may not be sentenced to death, and **H.B. 1062** (Senate Committee Substitute), a bill to provide that a mentally retarded person convicted of first degree murder may not be sentenced to death, which proposes to change the title, submits the following report, which proposes to further change the title, upon adoption, to read **H.B. 1062** (Senate Committee Substitute), a bill to provide that a mentally retarded person convicted of

first degree murder may not be sentenced to death and to provide that the jury shall determine whether a person is mentally retarded.

*To: The President of the Senate*
*The Speaker of the House of Representatives:*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1062, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER MAY NOT BE SENTENCED TO DEATH, Fourth Edition Engrossed 7/20/93, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Fourth Edition Engrossed 7/20/93, and the House concurs in the Senate Judiciary I Committee Substitute as amended:

Delete the entire Senate Judiciary I Committee Substitute and substitute the attached Proposed Conference Committee Substitute, PCCS 5343, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER MAY NOT BE SENTENCED TO DEATH AND TO PROVIDE THAT THE JURY SHALL DETERMINE WHETHER A PERSON IS MENTALLY RETARDED.

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: July 15, 1994.

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|---|---|
| S/Howard N. Lee | S/Milton F. Fitch, Jr. |
| S/Frank W. Ballance, Jr. | S/Howard J. Hunter, Jr. |
| S/John D. Kerr | S/Bertha M. Holt |
| Betsy L. Cochrane | S/H.M. Michaux, Jr. |
| S/Dennis J. Winner | S/Theresa H. Esposito |
| A.P. Sands III | S/David T. Flaherty, Jr. |
| S/Ted Kaplan | S/Jean R. Preston |
| | S/Mary E. McAllister |
| | S/Marie W. Colton |
| | S/William O. Richardson |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

The text of the Proposed Conference Committee bill PCCS 5343 reads as follows:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER MAY NOT BE SENTENCED TO DEATH AND TO PROVIDE THAT THE JURY SHALL DETERMINE WHETHER A PERSON IS MENTALLY RETARDED.

The General Assembly of North Carolina enacts:

Section 1. Article 100 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"**§ 15A–2004. Mentally retarded defendants; death sentence prohibited; procedure for determination of mental retardation.**

(a) The following definitions apply in this section:

(1) Mentally retarded. — Having significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested before the age of 18. An intelligence quotient of 70 or below on an individually administered standardized intelligence quotient test shall be prima facie evidence of significantly subaverage intellectual functioning.

(2) Adaptive behavior. — A person's effectiveness in meeting the standards expected for his or her age in areas such as social skills and responsibility, communication, daily living skills, personal independence, and self–sufficiency.

(b) Notwithstanding any provision of law to the contrary, no defendant who is mentally retarded and whose mental retardation significantly affected the defendant's decision to kill the decedent shall be sentenced to death.

(c) At the sentencing phase of the trial, if a defendant has raised the issue and offers evidence of mental retardation, it shall be a question for the jury whether or not the individual is mentally retarded and if so, whether or not the defendant's mental retardation significantly affected the defendant's decision to kill the decedent. The judge shall instruct the jury that if they find that the defendant is mentally retarded and the defendant's mental retardation significantly affected the defendant's decision to kill the decedent then the defendant will receive a sentence of life imprisonment. The judge shall instruct the jury that a sentence of life imprisonment means a sentence of life without parole.

(d) The defendant has the burden of production and persuasion on the issue of mental retardation. The standard of proof is a preponderance of the evidence, and any competent evidence shall be allowed to establish the defendant's mental retardation.

(e) At the sentencing phase of the trial when evidence of mental retardation sufficient to support a finding of mental retardation has been presented, the jury, as part of its findings shall be required to answer two questions: (i) is the defendant mentally retarded, and (ii) did the defendant's mental retardation significantly affect the defendant's decision to kill the decedent. If the jury answers both of the questions in the affirmative, then the defendant shall not be subject to the death penalty. If the jury answers either of the questions in the negative, then the jury shall proceed to answer the sentencing issue of its verdict pursuant to the provisions of G.S. 15A–2000.

(f) Upon motion of the State, the trial judge may order an independent examination of the defendant on the issues set out in this section."

Sec. 2. G.S. 15A–2000 is amended by adding a new subsection to read:

"(a1) When a defendant raises the issue of mental retardation, that question shall be determined at the sentencing proceeding in accordance with the procedure provided in G.S. 15A–2004."

Sec. 3. This act becomes effective October 1, 1994, and applies to original trials begun on or after that date and any subsequent trials of those cases.

On motion of Senator Lee, the Conference Report fails of adoption (16–18), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**S.B. 94**
(House Committee Substitute No. 2)

House of Representatives
July 16, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S.B. 94**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNITS OF LOCAL GOVERNMENT, LOCAL SCHOOL BOARDS, AND COMMUNITY COLLEGES TO ENTER INTO GUARANTEED ENERGY SAVINGS CONTRACTS IN ORDER TO FINANCE ENERGY CONSERVATION MEASURES IN LOCAL PUBLIC FACILITIES, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

The Senate having adopted the Conference Committee Report earlier today, the President orders the House Committee Substitute bill No. 2 enrolled.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 1319**
(Senate Committee Substitute)

House of Representatives
July 16, 1994

*Mr. President:*

It has been ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute to **HB 1319**, A BILL TO BE ENTITLED AN ACT TO REAUTHORIZE THE MENTAL HEALTH STUDY COMMISSION, AND CREATE THE PUBLIC HEALTH STUDY COMMISSION AND THE ELECTION LAWS REVIEW COMMISSION, we have ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 1062**
(Senate Committee Substitute)

House of Representatives
July 16, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute to

**HB 1062** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER MAY NOT BE SENTENCED TO DEATH, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## CALENDAR (Continued)

**H.B. 1940** (Committee Substitute), a bill to establish a commercial special device license, as amended, temporarily displaced earlier, upon third reading.

Senator Winner of Buncombe offers Amendment No. 2 which is adopted (24–4).

The Committee Substitute bill, as amended, passes its third reading (26–5) and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2 by special messenger.

**H.B. 1408**, a bill to require the public schools to provide instruction in American ethics, as amended, temporarily displaced earlier, upon third reading.

Following debate, the bill, as amended, passes its third reading and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

## CONFERENCE REPORT

**H.B. 644** (Senate Committee Substitute)

Senator Tally for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 644** (Committee Substitute No. 2), a bill to amend the Sedimentation Pollution Control Act of 1973 to make it more effective and **H.B. 644** (Senate Committee Substitute), a bill to amend the Sedimentation Pollution Control Act of 1973 to make it more effective and to provide that certain actions taken prior to 1 July 1993 relating to development qualify as existing development and to redefine the definition of 'public water system' for purposes of the North Carolina Drinking Water Act, which proposes to change the title, submits the following report, which further proposes to change the title, upon adoption, to read **H.B. 644** (Senate Committee Substitute), a bill to amend the Sedimentation Pollution Control Act of 1973 to make it more effective and to amend the definition of "public water system" for purposes of the North Carolina Drinking Water Act.

*To: The President of the Senate*
*The Speaker of the House of Representatives:*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 644, AN ACT TO AMEND THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 TO MAKE IT MORE EFFECTIVE AND TO PROVIDE THAT CERTAIN ACTIONS TAKEN PRIOR TO 1 JULY 1993 RELATING TO DEVELOPMENT QUALIFY AS EXISTING DEVELOPMENT AND TO REDEFINE THE DEFINITION OF "PUBLIC WATER SYSTEM" FOR PURPOSES OF THE NORTH CAROLINA DRINKING WATER ACT, Senate

Environment and Natural Resources Committee Substitute Adopted 6/29/94, with two unengrossed Senate amendments, submit the following report:

The House concurs in the Senate Environment and Natural Resources Committee Substitute 6/29/94 and the two unengrossed Senate amendments with the following amendment:

Delete the entire Senate Environment and Natural Resources Committee Substitute Adopted 6/29/94 with two unengrossed Senate amendments and substitute the attached Proposed Conference Committee Substitute PCCS9445, A BILL TO BE ENTITLED AN ACT TO AMEND THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 TO MAKE IT MORE EFFECTIVE AND TO AMEND THE DEFINITION OF "PUBLIC WATER SYSTEM" FOR PURPOSES OF THE NORTH CAROLINA DRINKING WATER ACT.

And the Senate agrees to the same.

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: 16 July 1994.

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|---|---|
| S/Lura Tally | S/Marie W. Colton |
| S/George B. Daniel | S/Arlie Culp |
| Ian T. Kaplan | S/Aaron E. Fussell |
| S/Robert Shaw | S/Karen E. Gottovi |
| | S/Joe Hackney |
| *Conferees for the Senate* | *Conferees for the House of Representatives* |

The text of the Proposed Conference Committee Substitute bill PCCS 9445 reads as follows:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 TO MAKE IT MORE EFFECTIVE AND TO AMEND THE DEFINITION OF "PUBLIC WATER SYSTEM" FOR PURPOSES OF THE NORTH CAROLINA DRINKING WATER ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113A-52 reads as rewritten:

"**§ 113A-52. Definitions.**

As used in this Article, unless the context otherwise requires:

(1) Repealed by Session Laws 1973, c. 1417, s. 1.

(1a) 'Affiliate' has the same meaning as in 17 Code of Federal Regulations § 240.12(b)-2 (1 June 1993 Edition), which defines 'affiliate' as a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another person.

(2) 'Commission' means the North Carolina Sedimentation Control Commission.

(3) 'Department' means the North Carolina Department of Environment, Health, and Natural Resources.

(4) 'District' means any Soil and Water Conservation District created pursuant to Chapter 139, North Carolina General Statutes.

(5) 'Erosion' means the wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

(6) 'Land-disturbing activity' means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. ~~This Article shall not apply to the following land-disturbing activities:~~

~~a. Those undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals;~~

~~b. Those undertaken on forestland for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the Department; and~~

~~c. Activities undertaken by persons as defined in G.S. 113A-52(8) who are otherwise regulated by the provisions of G.S. 74-46 through G.S. 74-68, the Mining Act of 1971.~~

(7) 'Local government' means any county, incorporated village, town, or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of this Article.

(7a) 'Parent' has the same meaning as in 17 Code of Federal Regulations § 240.12(b)-2 (1 June 1993 Edition), which defines 'parent' as an affiliate that directly, or indirectly through one or more intermediaries, controls another person.

(8) 'Person' means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

(9) 'Secretary' means the Secretary of Environment, Health, and Natural Resources.

(10) 'Sediment' means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

(10a) 'Subsidiary' has the same meaning as in 17 Code of Federal Regulations § 240.12(b)-2 (1 June 1993 Edition), which defines 'subsidiary' as an affiliate that is directly, or indirectly through one or more intermediaries, controlled by another person.

~~(10a)~~(10b) 'Tract' means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

(11) 'Working days' means days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken."

Sec. 2. Article 4 of Chapter 113A of the General Statutes is amended by adding a new section to read:

"§ 113A-52.01. Applicability of this Article.

This Article shall not apply to the following land-disturbing activities:

(1) Activities, including the breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:

a. Forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts.

b. Dairy animals and dairy products.

c. Poultry and poultry products.

d. Livestock, including beef cattle, sheep, swine, horses, ponies, mules, and goats.

e. Bees and apiary products.

f. Fur producing animals.

(2) Activities undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality, as adopted by the Department.

(3) Activities for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statutes.

(4) For the duration of an emergency, activities essential to protect human life."

Sec. 3. G.S. 113A-54(d) reads as rewritten:

"(d) In implementing the erosion and sedimentation control program, the Commission shall:

(1) Assist and encourage local governments in developing erosion and sediment control programs ~~and as part of such assistance to~~ and, as a part of this assistance, the Commission shall develop a model local erosion control ~~ordinance, and~~ ordinance. The Commission shall approve, approve as modified, or disapprove local ~~plans~~ programs submitted to it pursuant to G.S. ~~113A-60;~~ 113A-60.

(2) Assist and encourage other State agencies in developing erosion and sedimentation control programs to be administered in their ~~jurisdictions, and to~~ jurisdictions. The Commission shall approve, approve as modified, or disapprove ~~such~~ programs submitted pursuant to G.S. 113A-56 and from time to time shall review ~~such~~ these programs for compliance with ~~regulations issued~~ rules adopted by the Commission and for adequate ~~enforcement;~~ enforcement.

(3) Develop recommended methods of control of sedimentation and prepare and make available for distribution publications and other materials dealing with sedimentation control techniques appropriate for use by persons engaged in land-disturbing activities, general educational materials on erosion and sedimentation control, and instructional materials for persons involved in the enforcement of this Article and erosion control ~~regulations,~~ rules, ordinances, regulations, and ~~plans;~~ plans.

(4) Require submission of erosion control plans by those responsible for initiating land-disturbing activities for approval prior to commencement of the activities."

Sec. 4. G.S. 113A–54.1 reads as rewritten:

"**§ 113A–54.1. Approval of erosion control plans.**

(a) A draft erosion control plan must contain the applicant's address and, if the applicant is not a resident of North Carolina, designate a North Carolina agent for the purpose of receiving notice from the Commission or the Secretary of compliance or noncompliance with the plan, this Article, or any rules adopted pursuant to this Article. The Commission ~~must either approve or~~ shall approve, approve with modifications, or disapprove a draft erosion control plan for those land–disturbing activities for which prior plan approval is required within 30 days of receipt. Failure to ~~approve~~ approve, approve with modifications, or disapprove a completed draft erosion control plan within 30 days of receipt shall be deemed approval of the plan. If the Commission disapproves a draft erosion control plan, it must state in writing the specific reasons that the plan was disapproved. Failure to ~~approve~~ approve, approve with modifications, or disapprove a revised erosion control plan within 15 days of receipt shall be deemed approval of the plan. The Commission may establish an expiration date for erosion control plans approved under this Article.

(b) If, following commencement of a land–disturbing activity pursuant to an approved erosion control plan, the Commission determines that the plan is inadequate to meet the requirements of this Article, the Commission may require ~~such revisions~~ any revision of the plan ~~as are~~ that is necessary to comply with this Article. Failure to ~~approve~~ approve, approve with modifications, or disapprove a revised erosion control plan within 15 days of receipt shall be deemed approval of the plan.

(c) The Director of the Division of Land Resources may disapprove an erosion control plan upon finding that ~~an applicant, or any parent or subsidiary corporation if the applicant is a corporation:~~ applicant or a parent, subsidiary, or other affiliate of the applicant:

(1) Is conducting or has conducted land–disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or a local government pursuant to this Article and has not complied with the notice within the time specified in the notice;

(2) Has failed to pay a civil penalty assessed pursuant to this Article or a local ordinance adopted pursuant to this Article ~~which is due and for which no appeal is pending;~~ by the time the payment is due;

(3) Has been convicted of a misdemeanor pursuant to G.S. 113A–64(b) or any criminal provision of a local ordinance adopted pursuant to this Article; or

(4) Has failed to substantially comply with State rules or local ordinances and regulations adopted pursuant to this Article.

(d) In the event that an erosion control plan is disapproved by the Director pursuant to subsection (c) of this section, the Director shall state in writing the specific reasons that the plan was disapproved. The applicant may appeal the Director's disapproval of the plan to the Commission. For purposes of this subsection and subsection (c) of this section, an applicant's record may be considered for only the two years prior to the application date."

Sec. 5. G.S. 113A–54.2(b) reads as rewritten:

"(b) The Sedimentation Account is established as a nonreverting account within the Department. Fees collected under this section shall be credited to the Account and shall be applied to the costs of administering this Article."

Sec. 6. G.S. 113A–55 reads as rewritten:

**"§ 113A–55. Authority of the Secretary.**

The sedimentation control program developed by the Commission shall be administered by the Secretary under the direction of the Commission. To this end the Secretary ~~is authorized and directed to employ, with the approval of the Commission,~~ shall employ the necessary clerical, technical, and administrative personnel, and to assign tasks to the various divisions of the Department for the purpose of implementing this Article. The Secretary ~~is authorized to~~ may bring enforcement actions pursuant to G.S. 113A–64 and 113A–65. The Secretary shall make final agency decisions in contested cases that arise from civil penalty assessments pursuant to G.S. 113A–64."

Sec. 7. G.S. 113A–60 reads as rewritten:

**"§ 113A–60. Local erosion control programs.**

(a) Any local government may submit to the Commission for its approval an erosion and sediment control program for its jurisdiction, and to this end local governments are authorized to adopt ~~ordinances, rules~~ ordinances and regulations necessary to establish and enforce ~~such~~ erosion and sediment control ~~programs, and they~~ programs. Local governments are authorized to create or designate agencies or subdivisions of local government to administer and enforce the programs. An ordinance adopted by a local government shall at least meet and may exceed the minimum requirements of this Article and the rules adopted pursuant to this Article. Two or more units of local government are authorized to establish a joint program and to enter into ~~such~~ any agreements ~~as~~ that are necessary for the proper administration and enforcement of ~~such~~ the program. The resolutions establishing any joint program must be duly recorded in the minutes of the governing body of each unit of local government participating in the program, and a certified copy of each resolution must be filed with the Commission.

(b) The Commission shall review each program submitted and within 90 days of receipt thereof shall notify the local government submitting the program that it has been approved, approved with modifications, or disapproved. The Commission shall only approve a program upon determining that its standards equal or exceed those of ~~the model local erosion control ordinance developed in accordance with G.S. 113A-54(d)(1).~~ this Article and rules adopted pursuant to this Article.

(c) If the Commission determines that any local government is failing to administer or enforce an approved erosion and sediment control program, it shall notify the local government in writing and shall specify the deficiencies of administration and enforcement. If the local government has not taken corrective action within 30 days of receipt of notification from the Commission, the Commission shall assume enforcement of the program until such time as the local government indicates its willingness and ability to resume administration and enforcement of the program."

Sec. 8. G.S. 113A–61(a) reads as rewritten:

"(a) ~~Each local government's erosion and sediment control program shall require that for~~ For those land–disturbing activities ~~requiring~~ for which prior approval of an erosion control ~~plan, such plan shall be submitted~~ plan is required, the Commission may require that a local government that administers an erosion and sediment control program approved under G.S. 113A–60 require the applicant to submit a copy of the erosion control plan to the appropriate soil and water conservation district or districts at the same time ~~it is submitted~~ the applicant submits the erosion control plan to the local government for approval. The soil and water conservation district or ~~districts, within 20 days after receipt of the proposed plan, or within such additional time as~~

~~may be prescribed by the local government,~~ districts shall review the plan and submit ~~its~~ any comments and recommendations to the local ~~government.~~ government within 20 days after the soil and water conservation district received the erosion control plan or within any shorter period of time as may be agreed upon by the soil and water conservation district and the local government. Failure of ~~the~~ a soil and water conservation district to submit ~~its~~ comments and recommendations within 20 days or within ~~the prescribed additional~~ agreed upon shorter period of time shall not delay final action on the proposed plan by the local government."

Sec. 9. G.S. 113A–61(b1) reads as rewritten:

"(b1) A local government may disapprove an erosion control plan upon finding that an ~~applicant, or any parent or subsidiary corporation if the applicant is a corporation:~~ applicant or a parent, subsidiary, or other affiliate of the applicant:

(1) Is conducting or has conducted land–disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or a local government pursuant to this Article and has not complied with the notice within the time specified in the notice;

(2) Has failed to pay a civil penalty assessed pursuant to this Article or a local ordinance adopted pursuant to this Article ~~which is due and for which no appeal is pending;~~ by the time the payment is due;

(3) Has been convicted of a misdemeanor pursuant to G.S. 113A–64(b) or any criminal provision of a local ordinance adopted pursuant to this Article; or

(4) Has failed to substantially comply with State rules or local ordinances and regulations adopted pursuant to this Article."

Sec. 10. G.S. 113A–61.1 reads as rewritten:

"**§ 113A–61.1. ~~Periodic inspection~~ Inspection of land–disturbing ~~activity.~~ activity; notice of violation.**

(a) ~~With respect to approved plans for erosion control in connection with land–disturbing activities, the approving authority, either~~ The Commission ~~or~~ The Commission, a local ~~government,~~ government that administers an erosion and sediment control program approved under G.S. 113A–60, or other approving authority shall provide for ~~periodic~~ inspection of ~~the~~ land–disturbing ~~activity~~ activities to ensure compliance with ~~the approved plan,~~ this Article and to determine whether the measures required in ~~the~~ an erosion control plan are effective in controlling erosion and sediment resulting from the land–disturbing ~~activities.~~ activity. Notice of ~~such~~ this right of inspection shall be included in the certificate of approval ~~for the~~ of each erosion control plan.

(b) No person shall willfully resist, delay, or obstruct authorized representative of the Commission, an authorized representative of a local government, or an employee or an agent of the Department while the representative, employee, or agent is inspecting or attempting to inspect a land–disturbing activity under this section.

(c) If the Secretary, a local government that administers an erosion and sediment control program approved under G.S. 113A–60, or other approving authority determines that the person engaged in the land–disturbing ~~activities~~ activity has failed to comply with ~~the plan,~~ this Article, the Secretary, local government, or other approving authority shall immediately serve a notice of violation upon that ~~person by registered mail a notice to comply. The notice~~ person. The notice may be served by any means authorized under G.S. 1A–1, Rule 4. A notice of violation shall specify a date by which the person must comply with this Article and inform the person of the actions that need to be taken to comply with this Article. ~~shall set forth the measures needed~~

~~to come into compliance with the plan and shall state the time within which such measures must be completed. If the~~ Any person ~~engaged in the land-disturbing activities~~ who fails to comply within the time ~~specified, he shall be~~ specified ~~deemed in violation of this Article.~~ is subject to the civil and criminal penalties provided in G.S. 113A–64."

Sec. 11. G.S. 113A–64(a) reads as rewritten:

"(a) Civil Penalties. —

(1) Any person who violates any of the provisions of this Article or any ordinance, rule, or order adopted or issued pursuant to this Article by the Commission or by a local government, or who initiates or continues a land–disturbing activity for which an erosion control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, ~~shall be~~ is subject to a civil ~~penalty of not more than~~ penalty. The maximum civil penalty for a violation, other than a violation of a stop–work order issued under G.S. 113A–65.1, is five hundred dollars ~~($500.00), except that the penalty for failure to submit an erosion control plan shall be as provided in subdivision (4) of this subsection and the penalty for violating a stop–work order shall be as provided in subdivision (5) of this subsection.~~ ($500.00). The maximum civil penalty for a violation of a stop–work order is five thousand dollars ($5,000). No penalty shall be assessed until the person alleged to be in violation has been notified of the ~~violation.~~ violation as provided in G.S. 113A–61.1(b). A civil penalty may be assessed from the date the notice of violation is served. Each day of a continuing violation shall constitute a separate violation.

(2) ~~The Secretary, for violations under the Commission's jurisdiction, or the governing body of any local government having jurisdiction, shall determine the amount of the civil penalty to be assessed under this subsection and shall make written demand for payment upon the person responsible for the violation, and shall set forth in detail the violation for which the penalty has been invoked. If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the Secretary shall refer the matter to the Attorney General for the institution of a civil action in the name of the State in the superior court of the county in which the violation is alleged to have occurred to recover the amount of the penalty. Local governments shall refer such matters to their respective attorneys for the institution of a civil action in the name of the local government in the appropriate division of the General Court of Justice of the county in which the violation is alleged to have occurred for recovery of the penalty.~~ The Secretary or a local government that administers an erosion and sediment control program approved under G.S. 113A–60 shall determine the amount of the civil penalty and shall notify the person who is assessed the civil penalty of the amount of the penalty and the reason for assessing the penalty. The notice of assessment shall be served by any means authorized under G.S. 1A–1, Rule 4, and shall direct the violator to either pay the assessment or contest the assessment within 30 days by filing a petition for a contested case under Article 3 of Chapter 150B of the General Statutes. If a violator does not pay a civil penalty assessed by the Secretary within 30 days after it is due, the Department shall request the Attorney General to institute a civil action to recover the amount of the assessment. If a violator does

not pay a civil penalty assessed by a local government within 30 days after it is due, the local government may institute a civil action to recover the amount of the assessment. The civil action may be brought in the superior court of any county where the violation occurred or the violator's residence or principal place of business is located. ~~Such~~ A civil ~~actions~~ action must be filed within three years of the date the ~~final agency decision was served on the violator.~~ assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment. ~~Any sums recovered shall be used to carry out the purposes and requirements of this Article.~~

(3) In determining the amount of the penalty, the Secretary shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator saved by his noncompliance, whether the violation was committed willfully and the prior record of the violator in complying or failing to comply with this Article.

~~(4) Any person who fails to submit an erosion control plan for approval by the Commission pursuant to G.S. 113A-54(d)(4) or by a local government pursuant to G.S. 113A-61 shall be subject to a single, noncontinuing civil penalty of not more than one thousand dollars ($1,000). Any penalty which is recovered pursuant to this subdivision shall be deposited in the General Fund. Any person who is subject to a civil penalty under this subdivision may be subject to additional civil penalties for violation of any other provision of this Article or any ordinance, rule, or order adopted or issued pursuant to this Article by the Commission or a local government.~~

(5) ~~Any person who violates a stop work order issued pursuant to G.S. 113A-65.1 shall be subject to a civil penalty of not more than five thousand dollars ($5,000). No penalty shall be assessed until the person alleged to be in violation has been notified of the violation. Each day of a continuing violation shall be a separate violation.~~ Civil penalties collected by the Department or other State agency under this subsection shall be credited to the General Fund as nontax revenue. Civil penalties collected by a local government under this subsection shall be credited to the general fund of the local government as nontax revenue."

Sec. 12. Article 4 of Chapter 113A of the General Statutes is amended by adding a new section to read:

"**§ 113A-64.1. Restoration of areas affected by failure to comply.**

The Secretary or a local government that administers a local erosion and sediment control program approved under G.S. 113A-60 may require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this Article."

Sec. 13. G.S. 113A-65(c) reads as rewritten:

"(c) Abatement, etc., of Violation. — Upon determination by a court that an alleged violation is occurring or is threatened, ~~it~~ the court shall enter ~~such orders or judgments as are~~ any order or judgment that is necessary to abate the ~~violation~~ violation, to ensure that restoration is performed, or to prevent the threatened violation. The

institution of an action for injunctive relief under subsections (a) or (b) of this section shall not relieve any party to ~~such~~ the proceeding from any civil or criminal penalty prescribed for violations of this Article."

Sec. 14. G.S. 130A–313(10) reads as rewritten:

"(10) 'Public water system' means a system for the provision to the public of piped water for human consumption if the system serves 15 or more service connections or which regularly serves 25 or more individuals. ~~Two or more water systems that are adjacent and are owned or operated by the same supplier of water and that together serve 15 or more service connections or 25 or more persons is a public water system.~~ The term includes:

a. Any collection, treatment, storage or distribution facility under control of the operator of the system and used primarily in connection with the system; and

b. Any collection or pretreatment storage facility not under the control of the operator of the system which is used primarily in connection with the system.

A public water system is either a 'community water system' or a 'non-community water system' as follows:

a. 'Community water system' means a public water system which serves 15 or more service connections or which regularly serves at least 25 year–round residents.

b. 'Noncommunity water system' means a public water system which is not a community water system."

Sec. 15. G.S. 130A–315 is amended by adding the following subsection to read:

"(b2) Two or more water systems that are adjacent, that are owned or operated by the same supplier of water, that individually serve less than 15 service connections or less than 25 persons but that in combination serve 15 or more service connections or 25 or more persons, and that individually are not public water systems shall meet the standards applicable to public water systems for the following contaminants: coliform bacteria, nitrates, nitrites, lead, copper, and other inorganic chemicals for which testing and monitoring is required for public water systems on 1 July 1994. The standards applicable to these contaminants shall be enforced by the Commission as though the water systems to which this subsection applies were public water systems."

Sec. 16. Sections 5, 14, and 15 of this act become effective 1 July 1994. All other sections of this act become effective 1 October 1994, except that the amendment to G.S. 113A–64(a)(5) made by Section 11 of this act becomes effective 1 July 1995.

On motion of Senator Tally, the Conference Report is adopted on second (26–10) and third readings. Senator Kaplan requests to be recorded voting "no."

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

With unanimous consent, the Senate recesses at 11:45 P.M. to reconvene at 11:55 P.M.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and a resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**S.B. 917** (House Committee Substitute No. 2), an act to allow the Department of Transportation to charge a toll on certain bridges in the intrastate system. (Ch. 765)

**S.B. 1384**, an act to implement recommendations of the Joint Legislative Oversight Committee on Early Childhood Education and Development Initiatives to change the selection process for local demonstration projects, to allow the Department of Human Resources to delegate contracting authority to local partnerships, the North Carolina Partnership for Children, Inc. or a public or governmental entity, to require local partnerships to be newly formed organizations, to clarify the use of State funds by local partnerships, to provide that State funds shall not supplant current expenditures by counties on behalf of young children and their families, and to make technical changes to the law governing the early childhood initiatives. (Ch. 766)

**S.B. 1630** (House Committee Substitute), an act to make technical corrections and to make clarifying and conforming changes to various criminal statutes, to repeal various criminal laws that are obsolete or redundant, and to extend the sunset for the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association. (Ch. 767)

**S.B. 1642** (Committee Substitute), an act to authorize the City of Durham to collect delinquent water and sewer fees resulting from leaking pipes or fixtures in the same manner as property taxes and to authorize the City of Durham to engage in programs of assistance and financing for rehabilitation or repair of buildings and other improvements in retail, commercial, or industrial use and located in the downtown and adjacent or nearby inner City areas. (Ch. 768)

**S.B. 1505** (House Committee Substitute), an act to modify the Current Operations Appropriations Act of 1993, to make appropriations for capital improvements for the 1994–95 Fiscal Year, and to make other changes in the budget operation of the State. (Ch. 769)

**H.B. 589** (Senate Committee Substitute), an act to amend Chapter 576 of the 1993 Session Laws concerning the Appeals Panel during the fisheries moratorium. (Ch. 770)

**H.B. 1319** (Senate Committee Substitute), an act to reauthorize the Mental Health Study Commission; to create the Public Health Study Commission; to create the Election Laws Review Commission; to extend study report deadlines; and to authorize the Legislative Research Commission to study insurance fraud. (Ch. 771)

**S.B. 733** (House Committee Substitute No. 2), an act to establish a Parks and Recreation Trust Fund. (Ch. 772)

**S.B. 1724** (House Committee Substitute), an act to appoint persons to various public offices upon the recommendation of the President and President *Pro Tempore* of the Senate and to make technical changes concerning appointments. (Ch. 773)

**H.B. 291** (Committee Substitute), an act appointing persons to various public offices upon the recommendation of the Speaker of the House of Representatives and otherwise relating to appointments to certain boards. (Ch. 774)

**S.B. 94** (House Committee Substitute No. 2), an act to authorize units of local government, local school boards, and community colleges to enter into guaranteed energy savings contracts in order to finance energy conservation measures in local public facilities. (Ch. 775)

**S.J.R. 1720**, a joint resolution honoring the City of Mount Airy on being named an All America City. (Res. 40)

On motion of Senator Basnight, seconded by Senator Sands, the Senate adjourns at 11:59 P.M. to meet tomorrow, Sunday, July 17, at 12:15 A.M.

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## ONE HUNDRED FORTY-FOURTH DAY

SENATE CHAMBER,
Sunday, July 17, 1994.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Honorable A.P. Sands III, Senator from Rockingham County, as follows:

"Let us pray. Our most Gracious Heavenly Father, please give us the wisdom to do that which is right and the courage to do it for the right reason. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Saturday, July 16, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senator Albertson, to Senator Ballantine, to Senator Blackmon, to Senator Folger, to Senator Forrester, to Senator Harris, to Senator Johnson, to Senator Richardson, to Senator Parnell, to Senator Smith, and to Senator Winner of Mecklenburg.

Pursuant to the motion prevailing on Tuesday, June 28, all bills and resolutions sent to the House of Representatives are ordered sent by special messenger.

### CONFERENCE REPORT

**S.B. 1504** (House Committee Substitute)

Senator Daniel for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1504** (Committee Substitute), a bill to establish and appropriate funds for the First Flight Commission; to reduce costs to the State by authorizing private publication of the Administrative Code; to change statutory references to Air Cargo Airport Authority; to expand the duties of the State Controller; to allow children to attend community colleges; to authorize record checks of school employees; concerning the law pertaining to school textbooks; and pertaining to erosion of beaches and **S.B. 1504** (House Committee Substitute), a

bill to expand the duties of the State Controller; to reduce costs to the State by authorizing private publication of the Administrative Code; concerning the law pertaining to school textbooks; to expand the membership of the North Carolina Air Cargo Airport Authority; and to increase the tort claims award, which proposes to change the title, submits the following report, which further proposes to change the title, upon adoption, to read **S.B. 1504** (House Committee Substitute), a bill to make various changes in the budget operation of the State and other statutory changes.

*To: The President of the Senate*
*The Speaker of the House of Representatives:*

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1504, A BILL TO BE ENTITLED AN ACT TO EXPAND THE DUTIES OF THE STATE CONTROLLER; TO REDUCE COSTS TO THE STATE BY AUTHORIZING PRIVATE PUBLICATION OF THE ADMINISTRATIVE CODE; CONCERNING THE LAW PERTAINING TO SCHOOL TEXTBOOKS; TO EXPAND THE MEMBERSHIP OF THE NORTH CAROLINA AIR CARGO AIRPORT AUTHORITY; AND TO INCREASE THE TORT CLAIMS AWARD, House Committee Substitute, Fifth Edition Engrossed 6/21/94, submit the following report:

The House of Representatives and the Senate agree to the following amendment to the House Committee Substitute Fifth Edition Engrossed 6/21/94, and the Senate concurs in the House Committee Substitute Fifth Edition Engrossed 6/21/94, as amended:

Delete the entire House Committee Substitute Fifth Edition Engrossed 6/21/94, and substitute the attached Proposed Conference Committee Substitute PCCS 8572.

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: July 17, 1994.

S/George B. Daniel
S/Aaron W. Plyler
S/Ted Kaplan
S/Howard N. Lee
S/Fountain Odom
R. L. Martin
S/J. Clark Plexico
S/Beverly M. Perdue
Russell G. Walker
S/Fletcher L. Hartsell, Jr.
S/Marvin Ward
S/Betsy L. Cochrane

*Conferees for the Senate*

S/David H. Diamont
S/Martin Nesbitt
S/James B. Black
Gene Rogers
S/Narvel J. Crawford, Jr.
S/William L. Wainwright
S/Ruth M. Easterling
S/Ed Nye
S/B. Holt
S/J. Fred Bowman
S/Mary E. McAllister
S/John B. McLaughlin
J. Shawn Lemmond
Dub Dickson
Joanne W. Bowie
S/Lyons Gray
S/Theresa H. Esposito
S/George S. Robinson
Anne C. Barnes

*Conferees for the House of Representatives*

July 17, 1994

The text of the attached proposed Conference Committee Substitute bill, PCCS 8572, reads as follows:

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES IN THE BUDGET OPERATION OF THE STATE AND OTHER STATUTORY CHANGES.

The General Assembly of North Carolina enacts:

**SWITCHED BROADBAND TELECOMMUNICATIONS**

Section 1. (a) G.S. 143B–426.39 is amended by adding a new subdivision to read:

"(16) Establish switched broadband telecommunications services and permit in addition to State agencies, cities, counties, and other local government units, the following organizations and entities to share on a not–for–profit basis:

a. Nonprofit educational institutions;
b. The Microelectronics Center of North Carolina ('MCNC');
c. Research affiliates of MCNC for use only in connection with research activities sponsored or funded, in whole or in part, by MCNC, if such research activities related to health care or education in North Carolina;
d. Agencies of the United States government operating in North Carolina for use only in connection with activities that relate to health care or education in North Carolina; or
e. Hospitals, clinics, and other health care facilities for use only in connection with activities that relate to health care or education in North Carolina.

Provided, however, that sharing of the switched broadband telecommunications services by State agencies with entities or organizations in the categories set forth herein shall not cause the State, the Office of State Controller, or the MCNC to be classified as a public utility as that term is defined in G.S. 62–3(23)a.6. Nor shall the State, the Office of State Controller, or the MCNC engage in any activities that may cause those entities to be classified as a common carrier as that term is defined in the federal Communications Act of 1934, 47 U.S.C. § 153(h). Provided further, authority to share the switched broadband telecommunications services with the non–State agencies set forth above in subdivision (16)a. through subdivision (16)e. shall terminate one year from the effective date of a tariff that makes the broadband services available to any customer."

(b) G.S. 62–3(23) is amended by adding a new subparagraph as follows:

"i. The term public utility shall not include the State, the Office of the State Controller, or the Microelectronics Center of North Carolina in the provision or sharing of switched broadband telecommunications services with non–State entities or organizations of the kind or type set forth in G.S. 143B–426.39."

**REDUCE PUBLICATION COSTS TO THE STATE/AUTHORIZE PUBLICATION OF THE NORTH CAROLINA ADMINISTRATIVE CODE BY CONTRACT WITH PRIVATE BUSINESS**

Sec. 2. G.S. 150B–21.18 reads as rewritten:

"**§ 150B–21.18. North Carolina Administrative Code.**

The Codifier of Rules must compile all rules into a Code known as the North Carolina Administrative Code. The format and indexing of the Code must conform as nearly as practical to the format and indexing of the North Carolina General Statutes. The Codifier must publish printed copies of the Code and may publish the Code in other forms. The Codifier must keep the Code current by publishing the Code in a loose–leaf format and periodically providing new pages to be substituted for outdated pages, by publishing the Code in volumes and periodically publishing cumulative supplements, or by another means. The Codifier may authorize and license the private indexing, marketing, sales, reproduction, and distribution of the Code. The Codifier must keep superseded rules."

**SCHOOL TEXTBOOK LAW CHANGES**

Sec. 3. (a) G.S. 115C–88 reads as rewritten:

"**§ 115C–88. Commission to evaluate ~~books~~ textbooks offered for adoption.**

The members of the Commission who are teachers, principals or the parent of students ~~in the elementary grades~~ shall evaluate all textbooks offered for ~~adoption in the elementary grades. The members who are teachers, principals or the parent of students in the high schools shall evaluate all books offered for adoption in the high school grades.~~ adoption.

Each member shall examine carefully and file a written evaluation of each ~~book~~ textbook offered for ~~adoption in the category for which he is responsible.~~ adoption.

The evaluation report shall give special consideration to the suitability of the ~~book~~ textbook to the instructional level for which it is offered, the content or subject matter, and other criteria prescribed by the Board.

Each evaluation report shall be signed by the member making the report and filed with the Board not later than a day fixed by the Board when the call for adoption is made."

(b) G.S. 115C–99 reads as rewritten:

"**§ 115C–99. Legal custodians of ~~books~~ textbooks furnished by State.**

Local boards of education are the custodians of all ~~books furnished by the State.~~ textbooks purchased by the local boards with State funds. They shall provide adequate and safe storage facilities for the proper care of these ~~books~~ textbooks and emphasize to all students the necessity for proper care of textbooks."

(c) G.S. 115C–100 reads as rewritten:

"**§ 115C–100. Rental fees for textbooks prohibited; damage fees authorized.**

No local board of education may charge any pupil a rental fee for the use of textbooks. A pupil's parents or legal guardians may be charged damage fees for abuse or loss of textbooks under rules adopted by the State Board of Education. All money collected ~~on State–owned books as damage fees or~~ from the sale of ~~books~~ textbooks purchased with State funds under the provisions of this Part shall be paid annually as collected to the State Board of Education."

**CHANGE NAME OF NORTH CAROLINA AIR CARGO AIRPORT AUTHORITY TO NORTH CAROLINA GLOBAL TRANSPARK AUTHORITY**

Sec. 4. (a) The title of Chapter 63A of the General Statutes reads as rewritten:

"North Carolina ~~Air Cargo Transport~~ Global TransPark Authority."

(b) G.S. 63A–1 reads as rewritten:

"**§ 63A–1. Short title and intent.**

This Chapter is the 'North Carolina ~~Air Cargo Airport~~ Global TransPark Authority Act.' It is enacted in part pursuant to Article V, Section 13, of the North Carolina Constitution with the intent that the body politic and corporate created by this Chapter shall have all power and authority as may be provided to it under that section of the Constitution."

(c) G.S. 63A–2(3) reads as rewritten:

"(3) Authority. — The North Carolina ~~Air Cargo Airport~~ Global TransPark Authority."

(d) G.S. 63A–3(a) reads as rewritten:

"(a) Creation. The North Carolina ~~Air Cargo Airport~~ Global TransPark Authority is created as a body corporate and politic having the powers and jurisdiction as provided under this Chapter or any other law. The Authority is a State agency created to perform essential governmental and public functions. The Authority shall be located within the Department of Transportation, but shall exercise all of its powers, including the power to employ, direct, and supervise all personnel, independently of the Secretary of Transportation and, notwithstanding any other provision of law, shall be subject to the direction and supervision of the Secretary only with respect to the management functions of coordinating and reporting."

(d1) G.S. 63A–3(b) reads as rewritten:

"(b) Board of Directors. The Authority shall be governed by a Board of Directors. The Board shall consist of at least the following ~~19~~ 20 members:

(1) Seven members appointed by the Governor.

(2) Three members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120–121.

(3) Three members appointed by the General Assembly upon the recommendation of the President *Pro Tempore* of the Senate in accordance with G.S. 120–121.

(4) The State Treasurer, who shall serve as an *ex officio* nonvoting member.

(5) The President of the North Carolina System of Community Colleges, provided that the President of the North Carolina Community Colleges may instead appoint to the Board of Directors one member of the board of trustees of a community college or one president of a community college. If such an appointment is made, the appointee shall serve at the pleasure of the President.

(6) The President of The University of North Carolina, provided that the President of the University of North Carolina may instead appoint to the Board of Directors one member of the board of trustees of a constituent institution of The University of North Carolina, or one chancellor of a constituent institution of The University of North Carolina. If such an appointment is made, the appointee shall serve at the pleasure of the President.

(7) The Chairman of the State Ports Authority.

(8) One member appointed by the board of county commissioners of any county in which the cargo airport complex site is located.

(9) One member appointed by the city council of the city which is a county seat of any county in which the cargo airport complex site is located.

(10) The Commissioner of Agriculture.

Within 90 days after the Authority acquires land, either by purchase or condemnation, for development as part of a cargo airport complex site, the board of county commissioners in any county in which a portion of the land is located and the city council of the city which is the county seat of the county shall, by resolution, each appoint a person to serve as a member of the Board. If the board of commissioners or the city council appoints one of its own members to the Board, the county commissioner or the member of the city council who is appointed is considered to be serving on the Board as an *ex officio* voting member as part of the duties of the office of county commissioner or the office of city council member, in accordance with G.S. 128–1.2, and is not considered to be serving in a separate office. Notwithstanding G.S. 116–31(h), a member of the board of trustees of a constituent institution of The University of North Carolina appointed to the Board of Directors under subdivision (6) of this subsection may concurrently serve on the board of trustees and the Board of Directors. Notwithstanding any other provision of law, the Governor may serve on the Board of Directors by his own appointment on or after July 16, 1991, under subdivision (1) of this subsection.

As the holder of an office, each member of the Board shall take the oath required by Article VI, § 7 of the North Carolina Constitution before assuming the duties of a Board member."

(e) G.S. 66–58(b)(17) reads as rewritten:

"(17) The North Carolina ~~Air Cargo Airport~~ Global TransPark Authority or a lessee of the Authority."

(f) G.S. 120–123(25a) reads as rewritten:

"(25a) The North Carolina ~~Air Cargo Airport~~ Global TransPark Authority as established under G.S. 63A–3."

(g) G.S. 126–5(c1)(15) reads as rewritten:

"(15) Employees of the North Carolina ~~Air Cargo Airport~~ Global TransPark Authority."

(h) G.S. 143–336 reads as rewritten:

"**§ 143–336. Definitions.**

As used in this Article:

'Agency' includes every agency, institution, board, commission, bureau, council, department, division, officer, and employee of the State, but does not include counties, municipal corporations, political subdivisions, county and city boards of education, and other local public bodies.

'Community college buildings' means all buildings, utilities, and other property developments located at a community college, which is defined in G.S. 115D–2(2).

'Department' means the Department of Administration, unless the context otherwise requires.

'Public buildings' means all buildings owned or maintained by the State in the City of Raleigh, but does not mean any building which a State agency other than the Department of Administration is required by law to care for and maintain.

'Public buildings and grounds' means all buildings and grounds owned or maintained by the State in the City of Raleigh, but does not mean any building or grounds which a State agency other than the Department of Administration is required by law to care for and maintain.

'Public grounds' means all grounds owned or maintained by the State in the City of Raleigh, but does not mean any grounds which a State agency other than the Department of Administration is required by law to care for and maintain.

'Secretary' means the Secretary of Administration, unless the context otherwise requires.

'State buildings' mean all State buildings, utilities, and other property developments except the State Legislative Building, railroads, highway structures, bridge structures, and any buildings, utilities, or property owned or leased by the North Carolina ~~Air Cargo Airport~~ Global TransPark Authority.

But under no circumstances shall this Article or any part thereof apply to the judicial or to the legislative branches of the State."

(i) G.S. 147–69.2(b)(11) reads as rewritten:

"(11) With respect to assets of the Escheat Fund, obligations of the North Carolina ~~Air Cargo Airport~~ Global TransPark Authority authorized by G.S. 63A–4(a)(22), not to exceed twenty–five million dollars ($25,000,000), that have a final maturity not later than September 1, 1999. The obligations shall bear interest at the rate set by the State Treasurer. No commitment to purchase obligations may be made pursuant to this subdivision after September 1, 1993, and no obligations may be purchased after September 1, 1994. In the event of a loss to the Escheat Fund by reason of an investment made pursuant to this subdivision, it is the intention of the General Assembly to hold the Escheat Fund harmless from any such loss by appropriating to such Escheat Fund funds equivalent to such loss."

(j) G.S. 150B–1(d)(5) reads as rewritten:

"(5) The North Carolina ~~Air Cargo Airport~~ Global TransPark Authority with respect to the acquisition, construction, operation, or use, including fees or charges, of any portion of a cargo airport complex."

(k) G.S. 150B–1(e)(10) reads as rewritten:

"(10) The North Carolina ~~Air Cargo Airport~~ Global TransPark Authority with respect to the acquisition, construction, operation, or use, including fees or charges, of any portion of a cargo airport complex."

(l) Any reference to the North Carolina Air Cargo Airport Authority in any other act of the General Assembly is deemed to refer to the North Carolina Global TransPark Authority.

**TORT CLAIMS AWARD INCREASE**

Sec. 5. (a) G.S. 143–291(a) reads as rewritten:

"(a) The North Carolina Industrial Commission is hereby constituted a court for the purpose of hearing and passing upon tort claims against the State Board of Education, the Board of Transportation, and all other departments, institutions and agencies of the State. The Industrial Commission shall determine whether or not each individual claim arose as a result of the negligence of any officer, employee, involuntary servant or agent of the State while acting within the scope of his office, employment, service, agency or authority, under circumstances where the State of North Carolina, if a private person, would be liable to the claimant in accordance with the laws of North Carolina. If the Commission finds that there was such negligence on the part of an officer, employee, involuntary servant or agent of the State while acting within the scope of his office, employment, service, agency or authority, which was the proximate cause of the injury and that there was no contributory negligence on the part of the claimant or the person in whose behalf the claim is asserted, the Commission shall determine the amount of damages which the claimant is entitled to be paid, including medical and other expenses, and by appropriate order direct the payment of such damages by the

department, institution or agency concerned, but in no event shall the amount of damages awarded exceed the sum of ~~one hundred thousand dollars ($100,000)~~ one hundred fifty thousand dollars ($150,000) cumulatively to all claimants on account of injury and damage to any one person. Community colleges and technical colleges shall be deemed State agencies for purposes of this Article. The fact that a claim may be brought under more than one Article under this Chapter shall not increase the foregoing maximum liability of the State."

(b) This section becomes effective October 1, 1994, and applies to claims arising on or after that date.

**DECELERATION OF DOWNDRIFT BEACH EROSION**

Sec. 6. (a) G.S. 113–229(i) reads as rewritten:

"(i) ~~All~~ Subject to subsection (h1) of this section, all materials excavated pursuant to such permit, regardless of where placed, shall be encased or entrapped in such a manner as to minimize their moving back into the affected water."

(b) G.S. 113–229 is amended by adding a new subsection to read:

"(h1) All construction and maintenance dredgings of beach–quality sand may be placed on the downdrift beaches or, if placed elsewhere, an equivalent quality and quantity of sand from another location shall be placed on the downdrift beaches."

**FIRST FLIGHT COMMISSION ESTABLISHED**

Sec. 7. (a) Chapter 143 of the General Statutes is amended by adding the following new Article to read:

"ARTICLE 67.

"First Flight Centennial Commission.

**"§ 143–640. Commission established; purpose; members; terms of office; quorum; compensation; termination.**

(a) Establishment. — There is established the First Flight Centennial Commission. The Commission shall be located within the Department of Cultural Resources for organizational, budgetary, and administrative purposes.

(b) Purpose. — The purpose of the Commission is to develop and plan activities to commemorate the centennial of the first successful manned, controlled, heavier–than–air, powered flight (in this Article referred to as 'the First Flight') and other historical events related to the development of powered flight.

(c) Membership. — The Commission shall consist of 26 members, as follows:

(1) Four persons appointed by the Governor.

(2) Four persons appointed by the President *Pro Tempore* of the Senate.

(3) Four persons appointed by the Speaker of the House of Representatives.

(4) The following persons or their designees, *ex officio*:

a. The Governor.

b. The President *Pro Tempore* of the Senate.

c. The Speaker of the House of Representatives.

d. The United States Senators from this State.

e. The member of the United States House of Representatives for the Third Congressional District.

f. The Governor of the State of Ohio.

g. The Secretary of the Department of Cultural Resources.

h. The Superintendent of the Cape Hatteras National Seashore of the United States National Park Service.

i. The chair of the Centennial of Flight Commemoration Commission.

j. The President of the First Flight Society.
k. The chair of the Dare County Board of Commissioners.
l. The Mayor of the Town of Kill Devil Hills.
m. The chair of the Dare County Tourism Board.

The members appointed to the First Flight Centennial Commission shall be chosen from among individuals who have the ability and commitment to promote and fulfill the purposes of the Commission, including individuals who have demonstrated expertise in the fields of aeronautics, aerospace science, or history, who have contributed to the development of the fields of aeronautics or aerospace science, or who have demonstrated a commitment to serving the public.

(d) Terms. — Members shall serve for two-year terms, with no prohibition against being reappointed, except initial appointments shall be for terms as follows:

(1) The Governor shall initially appoint two members for a term of two years and two members for a term of three years.
(2) The President *Pro Tempore* of the Senate shall initially appoint two members for a term of two years and two members for a term of three years.
(3) The Speaker of the House of Representatives shall initially appoint two members for a term of two years and two members for a term of three years.

Initial terms shall commence on July 1, 1994.

(e) Chair. — The chair shall be appointed biennially by the Governor from among the membership of the Commission. The initial term shall commence on July 1, 1994.

(f) Vacancies. — A vacancy in the Commission or as chair of the Commission resulting from the resignation of a member or otherwise shall be filled in the same manner in which the original appointment was made and the term shall be for the balance of the unexpired term.

(g) Compensation. — The Commission members shall receive no salary as a result of serving on the Commission but shall receive per diem, subsistence, and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable. When approved by the Commission, members may be reimbursed for subsistence and travel expenses in excess of the statutory amount.

(h) Removal. — Members may be removed in accordance with G.S. 143B-13 as if that section applied to this Article.

(i) Meetings. — The chair shall convene the Commission. Meetings shall be held as often as necessary, but not less than four times a year.

(j) Quorum. — A majority of the members of the Commission shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the members present at meetings of the Commission shall be necessary for action to be taken by the Commission.

(k) Termination of Commission. — The Commission shall terminate June 30, 2004, which is six months after the 100th anniversary of the First Flight.

**"§ 143-641. Powers and duties of the Commission.**

(a) Powers and Duties. — The Commission shall have the following powers and duties:

(1) To plan and develop activities appropriate to commemorate the centennial of the First Flight, including the coordination of activities throughout the State and nation.

(2) To coordinate with the national Centennial of Flight Commemoration Commission and the 2003 Fund Commission of Ohio in planning and promoting commemorative events and activities.

(3) To appoint a director, who shall be exempt from the State Personnel Act, to employ other staff as it deems necessary, subject to the State Personnel Act, and to fix their compensation.

(4) To adopt bylaws by a majority vote of the Commission.

(5) To accept grants, contributions, devises, bequests, gifts, and services for the purpose of providing support to the Commission. The funds and property shall be retained by the Commission, and the Commission shall prescribe rules under which the Commission may accept donations of money, property, or personal services, and determine the value of donations of property or personal services.

(6) To design, seek clearance for, and register with the Secretary of State a logo as the official emblem of the First Flight celebration, in coordination with the federal advisory commission. The Commission shall issue rules regarding the use of the logo.

(b) Commemoration Activities. — In planning and implementing appropriate activities to commemorate the centennial of the First Flight, the Commission shall give due consideration to:

(1) The historical setting in which the First Flight of the Wright Brothers took place.

(2) The contribution of powered flight to the development of transportation worldwide.

(3) The contribution that powered flight has made to worldwide trade and the economic development of the United States and all nations.

(4) The contribution that powered flight has made to world peace and security.

(5) The need to educate the public regarding the research and development of powered flight, and to acknowledge the development of aeronautics, aerospace science, and the aerospace industry, including the development of the glider and Orville and Wilbur Wright's contribution to the development of the glider.

(6) The development of aerospace science and the aerospace industry since the First Flight, including the development of space exploration.

(7) The importance of activities to commemorate the First Flight and to honor Orville and Wilbur Wright and their contribution to powered flight.

(8) The need to expand the facilities of the Wright Brothers National Memorial to honor Orville and Wilbur Wright and to educate the public regarding the development of powered flight and the development of aeronautics and aerospace science since the First Flight.

(9) The commitment and efforts of the First Flight Society and the National Park Service to preserving the Wright Brothers National Memorial and to honoring Orville and Wilbur Wright on the centennial of the First Flight.

(c) Contract Authority. — The Commission may procure supplies, services, and property as appropriate, and may enter into contracts, leases, or other legal agreements to carry out the purposes of this Article. All contracts, leases, or legal agreements

entered into by the Commission shall terminate on the date of termination of the Commission. Termination shall not affect any disputes or causes of action of the Commission that arise before the date of termination, and the Department of Cultural Resources may prosecute or defend any causes of action arising before the date of termination. All property acquired by the Commission that remains in the possession of the Commission on the date of termination shall become the property of the Department of Cultural Resources.

**"§ 143–642. Assignment of property; offices.**

(a) Assignment of Property. — Upon request of the Commission, the head of any State agency may assign property, equipment, and personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Article. Assignments under this subsection shall be without reimbursement by the Commission to the agency from which the assignment was made. Property and equipment that remains in the possession of the Commission on the date of the termination of the Commission shall revert to the agency from which the property was acquired.

(b) Office Space. — The Department of Cultural Resources shall provide office space in Raleigh for use as offices by the First Flight Centennial Commission, and the Department of Cultural Resources shall receive no reimbursement from the Commission for the use of the property during the life of the Commission.

**"§ 143–643. Commission reports.**

(a) Annual Report. — Before July 1, 1995, the Commission shall submit to the General Assembly a comprehensive report incorporating specific recommendations of the Commission for commemoration of the First Flight and other historical events related to the development of powered flight. After the initial report, the Commission shall submit a report to the General Assembly within 30 days of the convening of each Regular Session of the General Assembly until the Commission terminates. The report shall include:

(1) Recommendations for appropriate activities for the commemoration, including:

a. Publications, both printed and electronic, of books, periodicals, films, videotapes, and other promotional and educational materials.

b. Scholarly projects, conferences, lectures, seminars, and programs.

c. Libraries, exhibits, and museums.

d. Competitions and awards for historical, scholarly, artistic, and other works and projects related to the centennial.

e. Ceremonies and celebrations, including a calendar of major activities, commemorating the centennial and other related historical events and achievements.

(2) Recommendations for legislation and administrative action to promote and develop the commemoration.

(3) An accounting of funds received and expended.

(b) Final Report. — The Commission shall submit a final report to the General Assembly no later than June 30, 2004. The final report shall include:

(1) A summary of the activities of the Commission.

(2) A final accounting of funds received and expended by the Commission.

(3) Recommendations concerning the disposition of historically significant property donated to or acquired by the Commission."

(b) The Department of Cultural Resources shall use funds within its budget for the 1994–95 fiscal year, in the amount of seventy–five thousand dollars ($75,000) for

the establishment and operation of the First Flight Centennial Commission during the term of the Commission.

**RANDLEMAN DAM RESERVE RELEASE RESTRICTIONS**

Sec. 8. (a) The funds appropriated in Chapter 769 of the 1993 Session Laws for the Randleman Dam shall be held in a Reserve and released only as provided in this section.

(b) If the May 12, 1994, order of the Wake County Superior Court nullifying the decision and certificate of the Environmental Management Commission authorizing the Piedmont Triad Water Authority to condemn land and to carry out certain interbasin transfers of water is appealed, then the funds shall be released on the earlier of:

(1) The Court of Appeals or Supreme Court overturning the Superior Court decision or remanding it for further consideration; or

(2) A final decision by the Environmental Management Commission granting authority to proceed with the project, in the event the issue is either remanded for a new hearing or a new hearing is scheduled by consent of the parties or there is a new hearing process before the Environmental Management Commission pertaining to a certificate for interbasin transfers.

(c) All funds appropriated in Chapter 769 of the 1993 Session Laws for the construction of Randleman Dam shall revert to the General Fund on October 1, 1996, if construction has not begun before that date.

**TECHNICAL CORRECTIONS CHAPTER 769**

Sec. 9. (a) Section 3 of Chapter 769 of the 1993 Session Laws is amended in the NONRECURRING column by adding one million eight hundred thousand dollars ($1,800,000) to the line for North Carolina School of the Arts and a like amount to the total for The University of North Carolina – Board of Governors.

(b) Section 3 of Chapter 769 of the 1993 Session Laws is amended in the NONRECURRING column by changing the amount in the line for Department of Environment, Health, and Natural Resources to "8,106,546".

(c) Section 3 of Chapter 769 of the 1993 Session Laws is amended in the NONRECURRING column by changing the amount in the line for Department of Commerce to "18,785,509".

(d) The second Section 24.8 of Chapter 769 of the 1993 Session Laws is redesignated as Section 24.8A.

(e) Section 19.26(d) of Chapter 769 of the 1993 Session Laws is amended by adding a period at the end.

(f) Section 16.2(b) of Chapter 769 of the 1993 Session Laws is amended by deleting "160A", and substituting "163".

(g) Section 19.17 of Chapter 769 of the 1993 Session Laws is amended in the first paragraph by deleting the language "fifty–five million eight hundred twenty–four thousand one hundred thirty–six dollars ($55,824,136)" and substituting "forty–five million eight hundred fifty–six thousand four hundred thirty–eight dollars ($45,856,438)".

Sec. 10. Unless otherwise specified, this act is effective upon ratification.

On motion of Senator Daniel, the Conference Report is adopted on second and third readings, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.B. 644**
(Senate Committee Substitute)

House of Representatives
July 16, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute with two unengrossed Senate Amendments for **HB 644**, A BILL TO BE ENTITLED AN ACT TO AMEND THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 TO MAKE IT MORE EFFECTIVE, we have ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following joint resolution which is read the first time and disposed of, as follows:

**H.J.R. 2134**, a joint resolution providing for adjournment *sine die* of the General Assembly.

With unanimous consent, on motion of Senator Martin of Guilford, the joint resolution is placed before the Senate for immediate consideration upon its passage.

The joint resolution passes its second and third readings and is ordered enrolled.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**S.B. 1504**
(House Committee Substitute)

House of Representatives
July 17, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the conferees on House Committee Substitute to **SB 1504**, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE BUDGET OPERATION OF THE STATE AND OTHER STATUTORY CHANGES, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

The Senate having adopted the Conference Report earlier today, the President orders the House Committee Substitute bill as rewritten by the Conference Committee enrolled.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and a resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 644** (Senate Committee Substitute), an act to amend the Sedimentation Pollution Control Act of 1973 to make it more effective and to amend the definition of 'public water system' for purposes of the North Carolina Drinking Water Act. (Ch. 776)

**S.B. 1504** (House Committee Substitute), an act to make various changes in the budget operation of the State and other statutory changes. (Ch. 777)

**H.B. 1940** (Committee Substitute), an act to establish a commercial special device license. (Ch. 778)

**H.J.R. 2134**, a joint resolution providing for adjournment *sine die* of the General Assembly. (Res. 41)

Senator Basnight offers a motion that the Senate of the 1993 General Assembly do now adjourn, *sine die*.

The President of the Senate orders a message sent to the House of Representatives informing that Honorable Body that the Senate has concluded the business to come before it and stands ready to adjourn, *sine die*.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**H.J.R. 2134**

House of Representatives
July 17, 1994

*Mr. President:*

You are respectfully advised that in accordance with **HJR 2134**, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT *SINE DIE* OF THE GENERAL ASSEMBLY, the 1993–94 House of Representatives has concluded the business before it and stands ready to open the doors of the House immediately upon receipt of information from your Honorable Body that you are ready to open your doors, that the gavels may fall simultaneously and adjournment may be declared *sine die*.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

Pursuant to the message that the House of Representatives has concluded the business before it and having notified that Honorable Body that the Senate has concluded the business before it, the President of the Senate declares the Senate stands ready for adjournment, *sine die*. The President of the Senate orders the doors of the Senate thrown open. The Speaker of the House of Representatives is perceived standing ready to let the gavel fall.

The motion to adjourn *sine die* heretofore offered by Senator Basnight and seconded by those Senators retiring from the North Carolina Senate, Senator Harris, Senator Johnson, Senator Richardson, Senator Sands, Senator Seymour, Senator Tally, and Senator Walker, prevails. The hour for adjournment *sine die* as fixed by Resolution 41 having arrived, the President of the Senate, Lieutenant Governor, Dennis A. Wicker, declares the Senate of the 1993 General Assembly adjourned, *sine die*.

DENNIS A. WICKER
*President of the Senate*

SYLVIA MORRIS FINK
*Principal Clerk of the Senate*

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# ADDENDUM



# ERRATA

June 22, 1994 (See page 141)

The ruling of the President of the Senate, inadvertently omitted, is quoted as follows:

**S.B. 1185** (Committee Substitute No. 2), a bill to establish the Uninsured Employers' Fund to provide compensation for certain injured employees whose employers failed to secure the payment of compensation, to require carriers to contribute to this Fund, and to clarify that the Commissioner of Insurance has the authority to conduct investigations to determine if employers are complying with the workers' compensation insurance coverage requirements, as amended, with Amendment No. 2 pending, upon third reading.

**Senator Plyler requests "... a decision from the Chair if this amendment is germane to the bill at this particular time since all the appropriations bills deadline has passed."**

**Lt. Governor Wicker rules as follows: "Members of the Senate, upon inquiry of Senator Plyler, the Chair is going to rule the Amendment out of order. Let me explain. If you look and read adjournment Resolution 31, it states the rules in which bills may be introduced. The Chair is taking the position that if the original bill subject matter had no appropriations that you cannot later try to attach an amendment that does have appropriations after the deadline. In this instance, Chair rules that the original bill subject matter did not contain appropriations; the Amendment does. It is after the deadline, the Chair must rule it out of order. Take note."**

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June 24, 1994 (See page 159)

Legislative Day 129, Friday, June 24, the proceedings of today's Session failed to be tape recorded from convening through 12:41 P.M.

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Special Messages from the House of Representatives are received following adjournment *sine die* reflecting corrected bill titles, as follows:

July 16, 1994 (See page 399)

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 1776**
(Senate Committee Substitute)

House of Representatives
July 15, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute to

**HB 1776**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE VOTER REGISTRATION LAWS OF NORTH CAROLINA AND TO MAKE OTHER ELECTION-LAW CHANGES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
*Principal Clerk*

July 16, 1994 (See page 598)

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 1319**
(Senate Committee Substitute)

House of Representatives
July 16, 1994

*Mr. President:*

It has been ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute to **HB 1319**, A BILL TO BE ENTITLED AN ACT TO REAUTHORIZE THE MENTAL HEALTH STUDY COMMISSION; TO CREATE THE PUBLIC HEALTH STUDY COMMISSION; TO CREATE THE ELECTION LAWS REVIEW COMMISSION; TO EXTEND STUDY REPORT DEADLINES; AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY INSURANCE FRAUD. Pursuant to the receipt of your message, we have ordered the bill enrolled.

Respectfully,
S/Denise Weeks
*Principal Clerk*

July 16, 1994 (See page 598)

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 1062**
(Senate Committee Substitute)

House of Representatives
July 16, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute to **HB 1062**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER MAY NOT BE SENTENCED TO DEATH AND TO PROVIDE THAT THE JURY SHALL DETERMINE WHETHER A PERSON IS MENTALLY RETARDED, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

July 17, 1994 (See page 622)

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

**H.B. 644**
(Senate Committee Substitute)

House of Representatives
July 16, 1994

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute to **HB 644**, A BILL TO BE ENTITLED AN ACT TO AMEND THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 TO MAKE IT MORE EFFECTIVE AND TO AMEND THE DEFINITION OF 'PUBLIC WATER SYSTEM' FOR PURPOSES OF THE NORTH CAROLINA DRINKING WATER ACT. Pursuant to the receipt of your message, we have ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
*Principal Clerk*

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 50 states:

> No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two–thirds of the membership of the Senate present and voting.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

(1) when a member moves that the Rule be suspended, and this motion prevails by at least a two–thirds vote of the membership of the Senate present and voting, or

(2) when the Chair determines that there is no objection from any member present, which constitutes unanimous consent that Rule 50 be suspended.

In these cases, the bill is read a third time and remains before the Senate for further consideration.

———————

It will be noted the phrase "without objection" appears throughout the Senate Journal. Upon a motion offered, this reflects a determination by the Chair there is no objection from a member present, which constitutes unanimous consent, for the order of the Chair.

———————

It will be noted that when a bill passes its second reading and remains on the Calendar for further consideration, unless indicated otherwise, the measure is placed on the Calendar for the next legislative day in its regular order of business.

———————

It will be noted that Rule 20(2) of the House of Representatives requires that "*all measures affecting a fee imposed by the State or any subdivision thereof*" are classified roll–call measures for the purpose of spreading the ayes and noes on the Journal. Though the Senate Rules do not require, the Rule of the House of Representatives is honored and the measures are considered as roll–call measures, unless ruled otherwise by the presiding officer.

———————

It will be noted the Presiding Officer of the Senate rules in a number of instances that "*the bill does not require a call of the roll*" or "*requires a call of the roll.*" The ruling is made pursuant to the following citation which reads:

*North Carolina Constitution*—Article II

Sec. 23.—*Revenue bills.* No laws shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several reading, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

———————

It will be noted that numerical figures appear within parentheses throughout the Senate Journal. These figures represent the affirmative and negative votes cast and recorded electronically, pursuant to Senate Rule 25. Copies of the voting print–out are on file in the Legislative Library and the original is deposited in the Division of Archives and History of the Department of Cultural Resources.

Sylvia Fink
*Principal Clerk*

May 24, 1994 (See page 9)

**NORTH CAROLINA GENERAL ASSEMBLY**
**PRESIDENT *PRO TEMPORE***
**SENATOR MARC BASNIGHT**
**RALEIGH 27601–2808**

April 25, 1994

The Honorable George B. Daniel
Senate Appropriations Committee
P.O. Box 1210
Graham, North Carolina 27253

*Dear George:*

Pursuant to G.S. 120–19.6, you are authorized to activate the Senate Appropriations Committee on May 10 for the 1994 budgetary session convening on May 24, 1994.

Sincerely,
S/Marc Basnight
*President Pro Tempore*

---

May 24, 1994 (See page 9)

**NORTH CAROLINA GENERAL ASSEMBLY**
**PRESIDENT *PRO TEMPORE***
**SENATOR MARC BASNIGHT**
**RALEIGH 27601–2808**

April 25, 1994

The Honorable Aaron W. Plyler
Senate Appropriations Committee
2170 Concord Avenue
Monroe, North Carolina 28110

*Dear Aaron:*

Pursuant to G.S. 120–19.6, you are authorized to activate the Senate Appropriations Committee on May 10 for the 1994 budgetary session convening on May 24, 1994.

Sincerely,
S/Marc Basnight
*President Pro Tempore*

---

May 24, 1994 (See page 9)

**NORTH CAROLINA GENERAL ASSEMBLY**

May 5, 1994

MEMORANDUM

TO: Members of the Senate Appropriations Committee

FROM: Senators George Daniel and Aaron Plyler S/GBD S/AWP
Chairmen Senate Appropriations

Pursuant to GS 120–19.6, the Senate Appropriations Committee is authorized to meet prior to the 1994 Short Session of the N.C. General Assembly.

As Chairmen, we have discussed and agreed upon the following schedule with the Sub–Committee Chairmen:

**Senate Appropriations Committee will meet at 8:30 a.m. on Tuesday, May 17, 1994, in Room 643 of the Legislative Office Building.**

Plans are to remain in Raleigh for as long as it takes to prepare for this budget session which, as you know, convenes on May 24. It is our opinion that it will probably take at least three (3) days for this preparation.

---

May 24, 1994 (See page 9)

**NORTH CAROLINA GENERAL ASSEMBLY**
**PRESIDENT PRO TEMPORE**
**SENATOR MARC BASNIGHT**
**RALEIGH 27601–2808**

May 11, 1994

**–MEMORANDUM–**

TO: ALL MEMBERS OF THE NORTH CAROLINA SENATE

FROM: MARC BASNIGHT S/MB

**RE: DEADLINES FOR UPCOMING SHORT SESSION**

In an effort to work as efficiently and productively as possible during the upcoming 1994 Short Session, I would like to inform you of the following deadlines that will apply to appropriations bills for this session:

**APPROPRIATIONS BILLS DEADLINES**

In order to receive consideration by the Senate Appropriations Committee, all appropriations bills are subject to the following deadlines:

**DRAFTING REQUESTS: All appropriations bills must be submitted to Bill Drafting staff before 3:00 p.m. on Friday, May 20, 1994.**

**FILING DEADLINE: All appropriations bills must be filed before 3:00 p.m. on Tuesday, May 24, 1994.**

These deadlines apply only to appropriations bills, and do not affect other bill deadlines set by Resolution 31 of the 1993 Session.

**The Senate intends to have a Capital/Expansion Budget Bill prepared for consideration on the floor on Thursday, May 26, 1994.** I would therefore encourage you to contact the Bill Drafting staff with your requests as soon as possible so that draft legislation can be fully prepared and reviewed by you prior to the reconvening of the session. If you wish to fax your requests to Bill Drafting, the fax number is 919/733–3113. If you wish to travel to Raleigh next week to work on proposed legislation, please stop by the President *Pro Tempore's* office so that my staff may assist you with your reimbursement for those trips.

Senators Daniel and Plyler and I have had some brief discussions with our counterparts in the House of Representatives, and it is our strong desire to conclude the 1994 Short Session by the third week in June. In order to accomplish our goals within this time frame, we will all need to begin our work immediately.

Please feel free to call my office if you have any questions.

**S.B. 1505** (Proposed Committee Substitute PCS 4777)
**June 2, 1994** — see page 64

**SENATE**
**APPROPRIATIONS COMMITTEE**

**REPORT**
**ON**
**BUDGET MODIFICATIONS**
**EXPANSION BUDGET**
**CAPITAL BUDGET**

**JUNE 2, 1994**

S/George B. Daniel
*Appropriations Chairman*

S/Aaron W. Plyler
*Appropriations Chairman*

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## SENATE RECOMMENDATIONS

| | Recurring | | | Non–Recurring | | |
|---|---|---|---|---|---|---|
| | Expansion | Reductions | Net Change | Expansion | Reductions | Net Change |
| **Departments:** | | | | | | |
| Education | | | | | | |
| Public Education | 25,189,987 | 15,997,461 | 9,182,526 | 40,193,048 | 0 | 40,193,048 |
| Information Highway | 792,000 | 0 | 792,000 | 3,200,000 | 0 | 3,200,000 |
| University | 24,268,949 | 15,867,948 | 8,401,001 | 13,043,169 | 161,642 | 12,881,527 |
| Community Colleges | 18,654,299 | 9,051,475 | 9,602,824 | 13,000,000 | 0 | 13,000,000 |
| Information Highway | 576,000 | 0 | 576,000 | 100,000 | 0 | 100,000 |
| Subtotal–Education | 69,481,235 | 40,916,884 | 28,564,351 | 69,536,217 | 161,642 | 69,374,575 |
| General Government: | | | | | | |
| Administration | 1,369,889 | 1,396,311 | (26,422) | 150,000 | 0 | 150,000 |
| Office of State Planning | 208,236 | 23,700 | 184,536 | 0 | 0 | 0 |
| Office of State Budget | 116,533 | 79,444 | 37,089 | 0 | 0 | 0 |
| Office of State Budget – Special Appropriations | – | – | – | 12,135,000 | 0 | 12,135,000 |
| Insurance | 1,378,524 | 75,000 | 1,303,524 | 0 | 0 | 0 |
| Revenue | 5,377,518 | 268,555 | 5,108,963 | 5,180,776 | 0 | 5,180,776 |
| State Controller | 3,053,007 | 500,869 | 2,552,138 | 5,000,000 | 0 | 5,000,000 |
| Office of Governor | 301,249 | 22,107 | 279,142 | 0 | 0 | 0 |
| Cultural Resources | 487,108 | 258,563 | 228,854 | 6,135,000 | 0 | 6,135,000 |
| General Assembly | 1,776,250 | 0 | 1,776,250 | 3,200,000 | 0 | 3,200,000 |
| Secretary of State | 173,472 | 39,735 | 133,737 | 0 | 0 | 0 |
| State Auditor | 417,719 | 0 | 417,719 | 50,900 | 6,400 | 44,500 |
| Board of Elections | 319,421 | 35,516 | 283,905 | 1,657,500 | 0 | 1,657,500 |
| Treasurer | 635,000 | 39,827 | 595,173 | 0 | 0 | 0 |
| Subtotal–General Government | 15,613,926 | 2,739,627 | 12,874,299 | 33,509,176 | 6,400 | 33,502,776 |

| Departments: | Recurring | | | Non–Recurring | | |
|---|---|---|---|---|---|---|
| | Expansion | Reductions | Net Change | Expansion | Reductions | Net Change |
| Justice and Public Safety | | | | | | |
| Judicial | 3,604,271 | 0 | 3,604,271 | 4,574,946 | 0 | 4,574,946 |
| Correction | 10,748,315 | 6,515,374 | 4,232,941 | 2,376,932 | 0 | 2,376,932 |
| Justice | 790,024 | 386,569 | 403,455 | 796,562 | 0 | 796,562 |
| Crime Control | 903,740 | 168,241 | 735,499 | 540,363 | 0 | 540,363 |
| Subtotal–Justice & PS | 16,046,350 | 7,070,184 | 8,976,166 | 8,288,803 | 0 | 8,288,803 |
| Human Resources | 84,832,178 | 113,330,145 | (28,497,967) | 18,865,167 | 0 | 18,865,167 |
| Natural & Economic Resources | | | | | | |
| Agriculture | 2,027,114 | 351,062 | 1,676,052 | 5,700,000 | 0 | 5,700,000 |
| Commerce | 5,913,535 | 338,331 | 5,575,204 | 21,628,459 | 0 | 21,628,459 |
| Microelectronics Center | 2,000,000 | 0 | 2,000,000 | 0 | 0 | 0 |
| Information Highway–Univ. | 1,313,000 | 0 | 1,313,000 | 0 | 0 | 0 |
| Biotechnology Center | 1,000,000 | 0 | 1,000,000 | 0 | 0 | 0 |
| Rural Economic Development | 100,000 | 0 | 100,000 | 6,500,000 | 0 | 6,500,000 |
| Technological Dev. Center | 0 | 0 | 0 | 2,500,000 | 0 | 2,500,000 |
| Environment, Health & Natural Resources | 5,736,792 | 6,227,091 | (490,299) | 4,787,000 | 0 | 4,787,000 |
| Labor | 901,016 | 159,546 | 741,470 | 750,000 | 0 | 750,000 |
| Housing Finance | 0 | 0 | 0 | 3,650,000 | 0 | 3,650,000 |
| Subtotal–NER | 18,991,457 | 7,076,030 | 11,915,427 | 45,515,459 | 0 | 45,515,459 |
| Reserves/Other: | | | | | | |
| Substance Allowance Increase | 1,600,000 | 0 | 1,600,000 | 0 | 0 | 0 |
| Computer Reserve | 0 | 0 | 0 | 0 | 0 | 0 |
| Debt Service | 25,723,695 | 0 | 25,723,695 | 0 | 0 | 0 |
| Salary Adjustment Fund | 500,000 | | 500,000 | 0 | 0 | 0 |
| OSHA–Bloodborne Pathogens | 0 | 0 | 0 | 1,000,000 | 0 | 1,000,000 |
| Match Statewide Programs | 0 | 0 | 0 | 0 | 0 | 0 |
| Reserve for Retirees | 0 | 16,318 | (16,318) | 0 | 0 | 0 |

| | Recurring | | | Non–Recurring | | |
|---|---|---|---|---|---|---|
| | Expansion | Reductions | Net Change | Expansion | Reductions | Net Change |
| Compensation Increases: | | | | | | |
| Locally Operated Programs: | | | | | | |
| HR–4% cut to 1.84% in Dept. | 12,036,644 | | | | | |
| EHNR–4% | 1,192,550 | 0 | | 0 | 0 | 0 |
| Public Schools | 98,803,784 | | | 31,303,990 | 0 | 31,303,990 |
| University–EPA | 29,294,620 | | | 7,616,601 | 0 | 7,616,601 |
| Community Colleges | 15,820,117 | | | 4,113,245 | 0 | 4,113,245 |
| All Others | 69,641,479 | | | 17,385,504 | 0 | 17,385,504 |
| Subtotal–Compensation | 226,789,194 | 1,757,024 | 225,032,170 | 60,419,340 | 0 | 60,419,340 |
| Teachers Paydate Restored | 0 | 0 | 0 | 120,000,000 | 0 | 120,000,000 |
| Subtotal–Reserves/Other | 254,612,889 | 1,773,342 | 252,839,547 | 181,419,340 | 0 | 181,419,340 |
| Transfer To Saving Reserve | | | | 34,263,300 | | 34,263,300 |
| **GRAND TOTAL** | **459,578,035** | **172,906,212** | **286,671,823** | **391,397,462** | **168,042** | **391,229,420** |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**

(Pages 3–5)

**DEPARTMENT OF PUBLIC INSTRUCTION**

| | | 1994–95 | |
|---|---|---|---|
| 1. | **National Board for Professional Professional Teaching Standards** –Pay for the NBPTS certification exam fee ($975) for North Carolina teachers who elect to seek certification. Also provide for up to five days of paid leave for teachers who participate in the process in FY 1994–95. $5000 dollar bonus for individuals who have already taken the exam in FY 94–95 and received national certification. | $300,000<br>200,000 | NR |
| 2. | **Teacher Academy** – Provide funding for the North Carolina Teacher Academy beginning in FY 1994–95. Training sessions will be provided with these funds in July and August of 1994 and June of 1995. | 3,800,000 | |
| 3. | **Low Wealth Supplemental Funding** – Increase amount of low wealth supplemental funding for FY 94–95. Total funding FY 94–95 under this proposal would now be $35,000,000. | 7,000,000 | |
| 4. | **Small School Supplemental Funding** – Increase funding for small school supplemental funding for FY 1994–95. Total funding for FY 1994–95 under this proposal would be $14,000,000. | 3,000,000 | |
| 5. | **Willie M. Program** – Provide funding for educational services to additional Willie M. Class members. | 531,037 | |
| 6. | **Instructional Supplies and Materials** – Provide additional funding for instructional supplies and materials in local school systems. | 3,650,000 | NR |
| 7. | **School Bus Replacement** – Funding to continue replacing school buses on a 13 year schedule. | 22,630,288 | NR |
| 8. | **Education Technology** – Provides funding to begin implementation of the recommendations of the School Technology Commission. All of these funds will be expended by local school systems.<br>Continuation funding for the Education Technology Commission. | 10,000,000<br>100,000 | NR<br>NR |
| 9. | **Differentiated Pay/ Noncertified Personnel** – Provides funding for differentiated pay for non certified personnel. Legislation to allow participation of noncertified personnel in differentiated pay plans was passed by the 1993 session of the General Assembly. | 10,408,950 | |
| 10. | **Average Salary Adjustment** – Adjust average budgeted to conform with actual salaries as of December, 1994. | (15,997,461) | |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**

| **Department of Public Instruction** (Continued) | 1994–95 | |
|---|---|---|
| 11. **Outward Bound** – Funding for a plan to provide a summer program to students from four school systems in Western North Carolina. Also provides Outward Bound Program for teaching fellows with middle school certification, and teacher staff development. | 250,000 | |
| 12. **Total Quality Education** – Appropriates funds to the North Carolina Business Committee on Education to provide Total Quality Education Training to 20 local school systems. The Business Committee will select the school systems that participate. | 750,000 | NR |
| 13. **School–to–Work Transition** – Appropriates funds for demonstration sites for model school–to–work programs. | 1,000,000 | NR |
| 14. **Fund Pilot CHIPS Program** – Fund pilot CHIPS Program in Hertford County to improve the instructional program in the county school system. | 669,712 | NR |
| 15. **North Carolina Information Highway** | | |
| a. Grant Program – Funding for the North Carolina Information Highway Grant Program to 24 North Carolina local school administrative units. The State Board of Education will make grants to low wealth and small school systems to improve student performance. | 3,000,000<br>792,000 | NR |
| b. Evaluation by an outside researcher selected by the State Board of Education of the resulting student performance of the North Carolina Information Highway Grant Program. | 200,000 | NR |
| 16. **Litigation Reserve** – | 150,000 | NR |
| 17. **Exceptional Children** – Appropriate $418.76 per child for 2,252 handicapped children in school systems that are above the 12.5% funding cap. | 943,048 | NR |
| Without Across–the– Recurring | $9,984,526 | |
| Board Salary Bonus Non–Recurring | $43,393,048 | |
| 18. **Public School Employees' Salary Increase** – | | |
| a. 4% Salary Increase | 98,740,553 | R |
| b. 1% Salary Bonus | 30,315,952 | NR |

(Pages 6–8)

## UNC BOARD OF GOVERNORS

| | | |
|---|---|---|
| 1. **Enrollment Changes** | | |
| (a) Reduce funding for 94–95 enrollment based on revised projections | ($11,806,778) | |
| (b) Equalize credit hour funding for Appalachian State summer school | 171,946 | |
| Net Enrollment Changes | (11,634,832) | |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**UNC Board of Governors** (Continued)

| | | 1994–95 | |
|---|---|---|---|
| 2. | **UNC Schedule of Priorities** | | |
| | Funds for schedule items (Library network and acquisitions) computing, new degree programs, other items) | 8,016,909 | |
| | | 8,614,869 | NR |
| 3. | **Agricultural Programs** | | |
| | (a) Funds for expansion of agricultural research and extension programs at N.C. State | 800,000 | |
| | (b) Develop Agricultural and Aquacultural Export Market Development Center at N.C. State Research Station near Global TransPark Facility | 450,000 | |
| | | 1,440,000 | NR |
| | (c) Provide state funds to enhance agricultural research and extension programs at N.C. A&T State | 450,000 | |
| 4. | **N.C. School of Science and Math** | | |
| | Initiate a distance learning outreach effort | 350,000 | |
| 5. | **American Indian Legislative Scholarship Grants** | 57,000 | |
| 6. | **Minority Presence Grants** | | |
| | Additional funds to provide eligibility for Native Americans | 150,000 | |
| 7. | **Continuation Budget Adjustments** | | |
| | a. **ECU Receipts:** Budget projected medical school receipts | (180,000) | |
| | b. **UNC–C:** Building reserve for operation of Friday Building | 57,988 | |
| | c. **Pembroke State:** Reserve for operation of new Administration Building | 39,281 | |
| | d. **N.C. Arboretum:** Reserve for new facilities operations | 250,000 | |
| | e. **UNC–CH:** Reduce reserve for operation of Social Work building due to delay in completion date | (161,642) | NR |
| | f. **Fayetteville State:** Additional funds for increase in military tuition waivers | 100,000 | |
| | g. **Overhead Receipts:** Budget General Fund portion of new estimate | (497,889) | |
| | h. Reduction in Operating Budgets: Reduce funds based on Governor's 1% SPA position cut | (3,555,227) | |
| | i. **UNC–CH**; Additional operating support for Smith Center | 400,000 | NR |
| 8. | **Aid to Students Attending Private Colleges** | | |
| | Increase Legislative Tuition Grant from $1,150 to $1,250 annually and increase the need–based Contractual Scholarship Program from $450 to $550 per full–time equivalent student | 4,000,000 | |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**UNC Board of Governors** (Continued)

| | | | 1994–95 | |
|---|---|---|---|---|
| 9. | **UNC–CH Educational Consortium** | | | |
| | Fund on a par with seven other consortium programs | | 150,000 | |
| 10. | **Center for Gerontology** | | | |
| | Provide program planning funds for interinstitutional center | | 100,000 | NR |
| 11. | **Infection Control** | | | |
| | Provide funds to enable UNC–CH School of Medicine to provide technical assistance and training to health care facilities | | 75,000 | NR |
| 12. | **Salary Increase** | | | |
| | 1.5% average salary increase for teaching faculty to assure competitiveness | | 8,037,771 | |
| 13. | **Study of Fisheries Resources and Management Structure** | | | |
| | Provide funds for the Cooperative Institute for Fisheries Oceanography to study fisheries resources and management | | 225,000 | NR |
| 14. | **Competitive Industries** | | | |
| | Provides funds for: | | | |
| | Nonwovens Textile Center | $300,000 | | |
| | Pulp and Paper Technology | 360,000 | | |
| | Furniture Manufacturing | 500,000 | | |
| | Agricultural Education | 200,000 | | |
| | | | 1,360,000 | |
| 15. | **Chinqua–Penn Plantation** | | | |
| | Reserve for renovations and operations | | 363,300 | NR |
| 16. | **UNC–Charlotte** | | | |
| | Ben Craig Center | | 300,000 | NR |
| 17. | **School of the Arts** | | | |
| | Multi–Media Imaging Technology Institute | | 1,000,000 | NR |
| 18. | **Winston–Salem State University** | | | |
| | Piedmont Triad Engineering and Research Center Grant | | 500,000 | NR |
| 19. | **N.C. State University** | | | |
| | Agricultural Extension – Betsy Jeff Penn 4–H Camp Improvements | | 25,000 | NR |
| **TOTALS (WITHOUT STATEWIDE SALARY INCREASE)** | | | | |
| | | **RECURRING** | **$8,401,001** | |
| | | **NON–RECURRING** | **$12,881,527** | NR |
| 1. | 4% average salary increase for EPA personnel | | 29,294,620 | |
| 2. | 1% average one–time bonus for EPA personnel | | 7,323,655 | NR |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital** 1994–95

(Pages 9–11)

**DEPARTMENT OF COMMUNITY COLLEGES**

1. **Work Force Preparedness:**

A. Competitive Salary Levels for Curriculum Faculty – $8,402,860

These funds would provide an average additional 4% salary increase to curriculum faculty to recruit and retain a core of outstanding faculty at competitive salary levels.

B. Equipment – 10,800,000 NR

Funds to purchase equipment at all 58 community colleges.

C. Books – 2,200,000 NR

Funds for book purchases at all community colleges to help meet accreditation requirements.

D. Complete the Human Resource Development Program (HRD) – 1,408,554

Currently 44 of the 58 community colleges have an HRD program. These funds will provide a program at the remaining 14 colleges. The program assists public assistance recipients with skills that help them get jobs and reduce public assistance costs.

E. Specialized Technology Centers – 542,885

Funds to expand the Center for Applied Textile Technology ($300,000) and enhance the training at the six regional law enforcement training centers ($242,885).

F. Instructional Support – $6,016,047

The State Board of Community Colleges has identified a need for additional counseling and support personnel, including career development specialists, academic advisors, financial aid specialists, placement directors, employment counselors, disabled services directors, and clerical support.

G. Literacy Education – 1,552,712

These dollars will fund more full–time literacy instructors, workplace literacy sites and family literacy programs.

H. Child Care Grants – 500,000

Funds are made available to assist students who are in need of child care services in order to complete their community college education. Studies show a much higher retention rate for students who have child care available.

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**Department of Community Colleges** (Continued)

| | | 1994–95 | |
|---|---|---|---|
| 2. | **Enrollment Decline**<br>Revised enrollment figures indicate a decline in full–time equivalent students for the community college system. | ($8,964,210) | |
| 3. | **Complete Small Business Centers**<br>Funds to establish small business centers at the five community colleges without them: Bladen CC, Pamlico CC, Montgomery CC, Tri–County CC (in Murphy), and Fayetteville TCC (10 months). | 231,241 | |
| 4. | **Leadership Development Programs**<br>Funds to provide for community college leadership development programs such as the "Acclaim" program, Executive Management Leadership Institute, and the Presidential Leadership Institute ($300,000 needed). | Special Provision | |
| 5. | **Statewide Library Cataloging Funds**<br>Funds for the "On–line Computer Library Center for Automated Cataloging" services provided centrally for all 58 community colleges by the Department of Community Colleges. Additional funds are required due to the increase in volumes to be purchased and cataloged ($46,000 needed). | Special Provision | |
| 6. | **Department of Community Colleges 1% cut**<br>(included in Governor's Budget) | (87,265) | |
| 7. | **N.C. Information Highway Community College Grant Program**<br>Funds to be allocated to 12 community colleges for projects demonstrating the use of broadband telecommunications technology. | 576,000 | |
| 8. | **Evaluation of N.C. Information Highway Community College Grant Program**<br>Funds to evaluate the results of the pilot project grants to the 12 community colleges selected to participate in the NCIH Community College Grant Program. | 100,000 | NR |
| | **Without across–the–board salary & bonus:** **Total Recurring:** **Total Non–Recurring:** | **$10,178,824** **$13,100,000** | |
| 9. | **Institutional Salary Increases**<br>The Governor is recommending the same 4% across–the–board salary increase and 1% compensation bonus for all community college employees as he is for state employees. | $15,820,177<br>3,955,044 | NR |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**

(Pages 12–13) **General Fund**

**ADMINISTRATION**

**GOVERNOR'S RECOMMENDED CHANGES:**

| | | |
|---|---|---|
| 1. | Add five staff to State Construction Office. | $397,303 |
| 2. | Add two staff to State Property | 95,000 |
| 3. | Reduce electricity expense. | (291,210) |
| 4. | Convert janitorial service to Skip–Day. | (450,000) |
| 5. | Move Auxiliary Services Director to Receipts. | (77,910) |
| 6. | Reduce General Fund budget by 1% factor. | (290,374) |
| 7. | Increase State Personnel staff. | 194,224 |
| | | 150,000 NR |

**(LEGISLATIVE ADJUSTMENTS)**

| | | |
|---|---|---|
| 1411 | State Construction | |
| 3100 | Travel | (45,000) |
| 3200 | Communications | (6,000) |
| 3500 | Repairs | (3,000) |
| 3800 | Data Processing | (3,000) |
| 5200 | Data Processing Equipment | (16,000) |
| | Add Energy Specialist Position | |
| 1000 | Salaries and Fringes | 55,294 |
| 2000 | Supplies and Materials | 600 |
| 3000 | Current Obligations/Services | 7,410 |
| 5000 | Capital Outlay | 9,125 |
| 1412 | State Property | |
| 1000 | Salary and Fringes | 46,150 |
| 3000 | Current Obligations | 2,000 |
| 5000 | Capital Outlay | 1,300 |
| 1421 | Facilities Management | |
| 3300 | Utilities | (200,000) |
| | Maintain Displaced Homemakers Program | |
| 1732 | Displaced Homemakers | |
| 6000 | Grants, aid, and subsidies | 375,000 |
| | Maintain Domestic Violence Program | |
| 1781 | Grants, Aid, and Subsidies | |
| 6000 | Grants, aid, and subsidies | 95,433 |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**

| **ADMINISTRATION** (Continued) | | **General Fund** |
|---|---|---|
| 1311 State Personnel | | |
| 1211 Salaries/Wages | (6,000) | |
| 1811 Social Security | (459) | |
| 1821 Retirement | (658) | |
| 2600 Office Supplies | (500) | |
| 3100 Transportation | (1,500) | |
| 3400 Printing | (1,500) | |
| 3800 Data Processing | (1,000) | |
| 5200 Data processing Equipment | (2,200) | |
| Create an Office of Americans with Disabilities Act Coordinator | | |
| 1XXX Office of ADA Coordinator | | |
| 1000 Personnel Services | 39,550 | |
| 3000 Current Obligation | 1,500 | |
| 6000 Grants and Subsidies | 50,000 | |
| **TOTAL LEGISLATIVE ADJUSTMENTS** | | **$396,545** |
| **NET EXPANSION (APPROPRIATED)** | | **($26,422)** |
| **NET EXPANSION – NON–RECURRING** | | **$150,000** |

(Page 14)

**OFFICE OF STATE PLANNING**

**GOVERNOR'S RECOMMENDED CHANGES:**

1. Continue GPAC Performance Budgeting Position. 208,236

**(LEGISLATIVE ADJUSTMENTS)**

| | | |
|---|---|---|
| 1410 Office of State Planning | | |
| 2600 Office Supplies | (200) | |
| 3100 Travel | (1,200) | |
| 3200 Communications | (3,000) | |
| 3400 Printing | (13,250) | |
| 3800 Data Processing | (5,250) | |
| 4900 Other Fixed Charges | (800) | |
| **TOTAL LEGISLATIVE ADJUSTMENTS** | | **$(23,700)** |
| **NET EXPANSION (APPROPRIATED)** | | **$184,536** |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital** **General Fund**

(Page 15)

**OFFICE OF STATE BUDGET**

**GOVERNOR'S RECOMMENDED CHANGES:**

| | | |
|---|---|---|
| 1. | Continue two GPAC Performance Budgeting Positions. | 116,533 |
| 2. | Reduce General Fund budget by 1% factor. | (56,253) |

**(LEGISLATIVE ADJUSTMENTS)**

| | | | |
|---|---|---|---|
| 1310 | State Budget and Management | | |
| 3100 | Travel | (3,990) | |
| 3200 | Communications | (6,000) | |
| 3400 | Printing | (5,000) | |
| 3800 | Data Processing | (8,201) | |
| 13085 | Reserve for Special Appropriations | | |
| 6290 | Special Appropriations Grants | | |
| | Lenoir County – Arts Center | 300,000 | NR |
| | Greensboro Natural Science Center | 3,500,000 | NR |
| | Old Salem | 300,000 | NR |
| | Richmond County – Leak Street Educ. Center | 125,000 | NR |
| | Randleman Dam Development | 2,500,000 | NR |
| | National Institute for Statistical Sciences | 2,500,000 | NR |
| | Graveyard of the Atlantic | 800,000 | NR |
| | Battery Dump Cleanup Matching Funds US 601 | 35,000 | NR |
| | Montgomery County – Haltiwanger Retreat Center | 150,000 | NR |
| | Richmond County – LLRW Site Litigation | 725,000 | NR |
| | Chatham County – LLRW Site Litigation | 200,000 | NR |
| | World Language Center | 1,000,000 | NR |
| | Subtotal – Grants | 12,135,000 | NR |

| | |
|---|---|
| **TOTAL LEGISLATIVE ADJUSTMENTS** | **$12,111,809** |
| **NET EXPANSION (APPROPRIATED)** | **$37,089** |
| **NET EXPANSION – NON–RECURRING** | **$12,135,000** |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital** **General Fund**

(Page 16)

**DEPARTMENT OF INSURANCE**

**GOVERNOR'S RECOMMENDED CHANGES:**

| | | | |
|---|---|---|---|
| 1. | Add Analysts and Examiners to Address increase in health insurance activity. | | 608,401 |
| | | Receipts | (239,478) |
| | | | 368,923 |
| 2. | Increase expenditure limit to allow Building Code sales. | | $313,930 |
| | | Receipts | (313,930) |

**(LEGISLATIVE ADJUSTMENTS)**

| | | | |
|---|---|---|---|
| 1220 | Company Services | | |
| 3100 | Travel | (75,000) | |
| 1997 | Contracted Examinations | (400,000) | |
| 0713 | Receipts | (400,000) | |
| Staff | Fire and Rescue Certification Program | | |
| 1320 | Fire and Rescue Services | | |
| 1000 | Salaries and Fringes | 128,585 | |
| 2600 | Supplies | 2,000 | |
| 3100 | Travel | 27,816 | |
| 3200 | Communication | 1,200 | |
| 1900 | Reserves and Transfers | | |
| 8320 | Res. Consumer Protection Fund | 350,000 | |
| 8321 | Res. Local Fire Protection | 500,000 | |
| **TOTAL LEGISLATIVE ADJUSTMENTS** | | | **$934,601** |
| **NET EXPANSION (APPROPRIATED)** | | | **$1,303,524** |
| **NET EXPANSION (RECEIPTS)** | | | **$553,408** |
| **REIMBURSEMENT FROM DEPARTMENT OF INSURANCE FUND** | | | **$1,303,524** |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital** **General Fund**

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**DEPARTMENT OF REVENUE**

**GOVERNOR'S RECOMMENDED CHANGES:**

| | | |
|---|---|---|
| 1. | Continue funding of Integrated Tax Administration System. | 11,000,000 |
| 2. | Reduce legal and collection fees. | (51,800) |
| 3. | Reduce moving expenses. | (6,064) |
| 4. | Reduce various operating lines. | (9,390) |
| 5. | Reduce General Fund budget by 1% factor | (201,301) |

**(LEGISLATIVE ADJUSTMENTS)**

| | | | |
|---|---|---|---|
| 1600 | Administration | | |
| 8300 | Reserve for ITAS | (11,000,000) | |
| 1211 | Salaries and Wages | 319,994 | |
| 1811 | Social Security | 24,479 | |
| 1821 | Retirement | 35,031 | |
| 1831 | Hospital Insurance | 14,901 | |
| 1919 | Consultant (Anderson) | 4,577,460 | NR |
| 1993 | Consultant (SIPS) | 394,496 | NR |
| 3211 | Telephone | 810,681 | |
| 3801 | Data Processing | 2,775,526 | |
| 4410 | Data Processing Main. | 568,038 | |
| 5200 | Data Processing Equip. | 208,820 | NR |
| 1211 | Salaries and Wages | 18,854 | |
| 1811 | Social Security | 1,442 | |
| 1821 | Retirement | 2,066 | |
| 1831 | Hospital Insurance | 868 | |
| 1680 | Legal and Administrative | | |
| 1211 | Salaries and Wages | 495,200 | |
| 1232 | Shift Premium | 49,365 | |
| 1811 | Social Security | 41,659 | |
| 1821 | Retirement | 59,684 | |
| 1831 | Hospital Insurance | 46,293 | |
| 2610 | Office Supplies | 113,437 | |

**TOTAL LEGISLATIVE ADJUSTMENTS** **$(441,706)**

**NET EXPANSION (APPROPRIATED)** **$5,108,963**
**NET EXPANSION – NON–RECURRING** **$5,180,776**

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital** **General Fund**

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**OFFICE OF STATE CONTROLLER**

**GOVERNOR'S RECOMMENDED CHANGES:**

| | | | |
|---|---|---|---|
| 1. | Continue implementation of new State Accounting System. | | 7,000,000 NR |
| | | Receipts | (2,000,000) |
| 2. | Financial Systems Division support for new State Accounting System. | | 1,228,699 |
| 3. | Data processing cost increases for new State Accounting System. | | 2,000,000 |
| | | Receipts | (750,000) |
| 4. | Accounting Systems Division support for new State Accounting System. | | 274,308 |
| 5. | Reserve for Information Highway. | | 5,300,000 |
| 6. | Reduce General Fund budget by 1% factor. | | (53,295) |

**(LEGISLATIVE ADJUSTMENTS)**

| | | |
|---|---|---|
| 1100 | Office of State Controller | |
| 1000 | Personal Services | (405,749) |
| 3100 | Travel | (17,400) |
| 3900 | Employee Education | (5,000) |
| 3900 | Miscellaneous Service | (6,100) |
| 5200 | Data Processing Equipment | (9,000) |
| 5200 | Data Processing Software | (1,000) |
| 5100 | Office Furniture | (3,325) |
| 1000 | Reserve for Information Highway | |
| 8350 | Reserve | (5,300,000) |

Provide Technical Assistance to Local School Systems Preparing Local Technology Plans

| | | |
|---|---|---|
| 1100 | Office of State Controller | |
| 8100 | Intradepartmental Transfer | 300,000 |

**TOTAL LEGISLATIVE ADJUSTMENTS** **$(5,447,574)**

**NET EXPANSION (APPROPRIATED)** **$2,552,138**
**NET EXPANSION – NON–RECURRING** **$5,000,000**
**NET EXPANSION (RECEIPTS)** **$2,750,000**

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital** **General Fund**

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**OFFICE OF THE GOVERNOR**

**GOVERNOR'S RECOMMENDED CHANGES:**

| | | |
|---|---|---|
| 1. | Match funds from Fed. Corp. for national and community services. | 17,085 |
| 2. | Create Reserve to Monitor Military Base Closure | 300,000 |
| 3. | Reduce General Fund budgetby 1% factor. | (22,107) |

**(LEGISLATIVE ADJUSTMENTS)**

| | | |
|---|---|---|
| 1910 Reserves and Transfers | | |
| 8000 | Transfers | (300,000) |
| 1110 Administration | | |
| 1000 | Personal Services | 110,164 |
| 1920 | Consultant Fees | 150,000 |
| 2000 | Supplies and Materials | 4,000 |
| 3000 | Current Obligations | 10,000 |
| 4000 | Fixed Charges | 5,000 |
| 5000 | Capital Outlay | 5,000 |

**TOTAL LEGISLATIVE ADJUSTMENTS** **$(15,836)**

**NET EXPANSION (APPROPRIATED)** **$279,142**

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(Pages 20–22)

**DEPARTMENT OF CULTURAL RESOURCES**

**GOVERNOR'S RECOMMENDED CHANGES:**

| | | |
|---|---|---|
| 1. | Reduce General Fund budget by 1% factor. | (187,163) |

**(LEGISLATIVE ADJUSTMENTS)**

| | | |
|---|---|---|
| 1110 Office of the Secretary | | |
| 3100 | Travel | 3,483 |
| Continue Grants Program for Local Historic, Cultural and Artistic Organizations | | |
| 8100 | Intradepartmental Transfers | 6,000,000 NR |
| 1210 Archives and History | | |
| 3100 | Travel | 8,248 |
| 2500 | Motor Vehicle Supplies | (1,000) |
| 3500 | Repairs and Maintenance | (450) |
| 4500 | Insurance and Bonding | (900) |

**S.B. 1505 (PCS–4777) Budget Modifications Expansion/Capital**
**DEPARTMENT OF CULTURAL RESOURCES** (Continued) **General Fund**

| | | |
|---|---|---|
| Support Activities of Roanoke Island Commission | | |
| 6400 | Grant–in–Aid | 15,000 |
| 1230 | Archives and Records | |
| 3100 | Travel | 3,410 |
| 3500 | Repairs and Maintenance | (300) |
| 4500 | Insurance and Bonding | (900) |
| Improve Records Services for Local Governments and Defunct Schools | | |
| 1000 | Salary and Fringes | 134,708 |
| 2990 | Supplies | 12,000 |
| 3111 | In–State Travel | 10,000 |
| 3112 | In–State Subsistence | 29,500 |
| 3200 | Telephone | 900 |
| 5590 | Equipment | 35,000 |
| 1241 | Historic Sites | |
| 2500 | Motor Vehicle Supplies | (20,900) |
| 3100 | Travel | 171,323 |
| 3500 | Repairs and Maintenance | (6,150) |
| 4500 | Insurance and Bonding | (14,400) |
| Begin Development of Kerr Scott Farm Historic Site | | |
| 8300 | Reserve for Development of Kerr Scott Farm | 135,000 NR |
| 1242 | Tryon Palace | |
| 2500 | Motor Vehicle Supplies | (1,400) |
| 3100 | Travel | 17,514 |
| 3500 | Repairs and Maintenance | (900) |
| 4500 | Insurance and Bonding | (2,200) |
| 1250 | Historic Preservation | |
| 3100 | Travel | 18,448 |
| 4500 | Insurance and Bonding | (400) |
| 1270 | Museum of History | |
| 2500 | Motor Vehicle Supplies | (1,900) |
| 3100 | Travel | 11,970 |
| 3500 | Repairs and Maintenance | (600) |
| 4500 | Insurance and Bonding | (1,500) |
| 5400 | Motor Vehicles | (10,000) |
| 1280 | Eastern Office | |
| 3100 | Travel | 5,565 |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**DEPARTMENT OF CULTURAL RESOURCES** (Continued) **General Fund**

| | | |
|---|---|---|
| 1290 | Western Office | |
| 3100 | Travel | 3,487 |
| 1320 | Museum of Art | |
| 2500 | Motor Vehicle Supplies | (400) |
| 3100 | Travel | 3,276 |
| 3500 | Repairs and Maintenance | (150) |
| 4500 | Insurance and Bonding | (400) |
| 1410 | State Library | |
| 3100 | Travel | 3,276 |
| 1460 | Library Services – Blind | |
| 2500 | Motor Vehicle Supplies | (400) |
| 3500 | Repairs and Maintenance | (150) |
| 4500 | Insurance and Bonding | (3,000) |
| 5400 | Motor Vehicles | (3,000) |

**TOTAL LEGISLATIVE ADJUSTMENTS** **$6,550,708**

**NET EXPANSION (APPROPRIATED)** **$228,545**
**NET EXPANSION – NON–RECURRING** **$6,135,000**

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**GENERAL ASSEMBLY**

**GOVERNOR'S RECOMMENDED CHANGES:**

None

**(LEGISLATIVE ADJUSTMENTS)**

| | | | |
|---|---|---|---|
| Contract for Insurance Department Audit | | | |
| 1900 | Reserves and Transfers | 75,000 | NR |
| Fund Seafood and Aquaculture Steering Committee | | | |
| 1900 | Reserves and Transfers | 25,000 | NR |
| Fund Study Commissions | | | |
| 1900 | Reserves and Transfers | 100,000 | NR |
| Adjust Legislative Budgets | | | |
| 1110 | Senate | 500,000 | |
| 1120 | House of Representatives | 500,000 | |
| 1900 | Reserve for Equipment and Furnishings | 3,000,000 | NR |

**S.B. 1505 (PCS–4777) Budget Modifications Expansion/Capital**

| **GENERAL ASSEMBLY** (Continued) | | **General Fund** |
|---|---|---|
| Provide Employer Match for Increased Retirement Benefits | | |
| 1110 Senate | 228,309 | |
| 1120 House of Representatives | 547,941 | |
| **TOTAL LEGISLATIVE ADJUSTMENTS** | | **4,976,250** |
| **NET EXPANSION (APPROPRIATED)** | | **$1,776,250** |
| **NET EXPANSION – NON–RECURRING** | | **$3,200,000** |

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**SECRETARY OF STATE**

**GOVERNOR'S RECOMMENDED CHANGES:**

| | | |
|---|---|---|
| 1. | 5 Positions established for Corporations Division | 173,472 |
| 2. | Reduce General Fund budgetby 1% factor. | (32,485) |

**(LEGISLATIVE ADJUSTMENTS)**

1210 Corporations Filing

| Add 5 Positions (Start 10–1) | | |
|---|---|---|
| 5100 Equipment | (7,250) | |
| **TOTAL LEGISLATIVE ADJUSTMENTS** | | **($7,250)** |
| **NET EXPANSION** | | **$133,737** |

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**STATE AUDITOR'S OFFICE**

**GOVERNOR'S RECOMMENDED CHANGES:**

| | | |
|---|---|---|
| 1. | Continue GPAC Performance Auditor | 59,417 |

**(LEGISLATIVE ADJUSTMENTS)**

1210 Field Audit Division

| Adjust Equipment | | |
|---|---|---|
| 5100 Furniture & Equipment | (6,400) NR | |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**

| **STATE AUDITOR'S OFFICE** (Continued) | | | **General Fund** |
|---|---|---|---|
| Add 6 Financial Auditors (10–1) | | | |
| 1000 | Salaries & Fringes | 217,509 | |
| 2610 | Supplies | 1,800 | |
| 3100 | Travel | 6,000 | |
| 3200 | Communications | 1,500 | |
| 3950 | Education | 3,600 | |
| 4900 | General Expense | 1,800 | |
| 5100 | Furniture and Equipment | 38,400 | NR |
| Add 2 EDP Staff (10–1) | | | |
| 1000 | Salaries & Fringes | 73,193 | |
| 1991 | Contract Audits | 50,000 | |
| 2610 | Supplies | 600 | |
| 3200 | Communications | 500 | |
| 3950 | Employee Education | 1,200 | |
| 4900 | General Expense | 600 | |
| 5100 | Furniture & Equipment | 12,500 | NR |

| | |
|---|---|
| **TOTAL LEGISLATIVE ADJUSTMENTS** | **$358,302** |
| **TOTAL LEGISLATIVE ADJUSTMENTS – NON–RECURRING** | **$44,500** |
| **NET EXPANSION** | **$417,719** |
| **NET EXPANSION – NON–RECURRING** | **44,500** |

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**STATE BOARD OF ELECTIONS**

**GOVERNOR'S RECOMMENDED CHANGES:**

| | | | |
|---|---|---|---|
| 1. | Mail–In Voter Registration. | 120,000 | |
| 2. | Establish New Positions. | 171,421 | |
| 3. | Purchase New Telephone Equipment. | 7,500 | NR |
| 4. | Increase Employee Education and Travel. | 28,000 | |

**(LEGISLATIVE ADJUSTMENTS)**

| | | | |
|---|---|---|---|
| 1100 Administration | | | |
| 1211 | Salaries/Wages | (19,417) | |
| 1410 | Temporary | (4,286) | |
| 1811 | Social Security | (1,485) | |
| 1821 | Retirement | (2,128) | |
| 1831 | Hospitalization | (1,180) | |
| 1900 | Contracted Personal Services | 150,000 | NR |
| 3100 | Transportation | (1,920) | |
| 3210 | Telephone | (1,000) | |
| 5100 | Office Furniture | (4,100) | |
| 8300 | Computer Reserve | 1,500,000 | NR |

**S.B. 1505 (PCS–4777) Budget Modifications Expansion/Capital**

| **STATE BOARD OF ELECTIONS** (Continued) | **General Fund** |
|---|---|
| **TOTAL LEGISLATIVE ADJUSTMENTS** | **$(35,516)** |
| **TOTAL LEGISLATIVE ADJUSTMENTS – NON–RECURRING** | **$1,650,000** |
| **NET EXPANSION** | **$283,905** |
| **NET EXPANSION – NON–RECURRING** | **$1,657,500** |

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**OFFICE OF THE TREASURER**

**GOVERNOR'S RECOMMENDED CHANGES:**

| | | |
|---|---|---|
| 1. | Expand Automation and Imaging Project. (Supported by an increase of $605,000 in non–tax revenues.) | 895,500 |
| | Receipts | (260,500) |
| | GF Appropriation | 635,000 |
| 2. | Reduce General Fund budget by 1% factor. | (39,827) |

**(LEGISLATIVE ADJUSTMENTS)**

None

**NET EXPANSION** **$595,173**

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(Pages 28–29)

**JUDICIAL DEPARTMENT**

| | | 1994–95 |
|---|---|---|
| Continuation Budget Changes – Transfers | | |
| 1. | Transfer funds from the Special Capital Case Rehearing Fund to the Indigent Persons' Attorney Fee Fund. ($1,048,424) | –0– |
| 2. | From appropriated funds, transfer funds from program fund 1260 (Clerk of Superior Court) to program fund 1240 (district court) and use funds to reallocate 11 warrant clerk positions in Forsyth to 11 magistrate positions. | –0– |
| Expansion Budget | | |
| 1. | Provide reserve funds for replacement and upgrade of office and data processing equipment. | |
| | a. Office Equipment | $1,621,925 NR |
| | b. Data Processing Equipment – Lease/purchase mainframe upgrade | 1,900,000 |
| | c. Other Data Processing Equipment | 2,323,400 NR |
| | d. Service and Maintenance Contracts | 328,403 |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**Judicial Department** (Continued) 1994–95

Expansion Budget (Continued)

| | | |
|---|---|---|
| 2. | Connect all remote magistrate offices to Criminal Information System. | 211,330<br>472,980 NR<br>(3) |
| 3. | Provide funding for positions and contractual services to modify and update the Court Information System. | 1,035,373<br>39,674 NR<br>(5) |
| 4. | Juvenile Services – Provide travel funds and equipment for transportation officers. | 106,824<br>11,472 NR |
| 5. | Provide funds for an Administrative Assistant position for the District Attorney's Office in District 19C. | 16,341<br>5,495 NR<br>(1) |
| 6. | Establish Swain County Dispute Settlement Center (SB 1365) | 6,000 |
| 7. | Funds to be used to provide computers, additional office space, and salary and benefit increases for the Children's Law Center. | 100,000 NR |

| | |
|---|---|
| **TOTAL RECURRING EXPANSION** | **$3,604,271** |
| **TOTAL NON–RECURRING EXPANSION** | **$4,574,946 NR** |
| **TOTAL NEW POSITIONS** | **(9)** |

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(Pages 29–30)

**DEPARTMENT OF CORRECTION**

Reductions

| | | |
|---|---|---|
| 1. | Consolidate Electronic House Arrest Monitoring Centers (Governor recommended) | $(215,374)<br>(10.0) |
| 2. | Decrease Clothing line item | (2,250,000) |
| 3. | Decrease Food line item | (1,800,000) |
| 4. | Decrease Outside Medical line item | (2,250,000) |
| 5. | Reallocate $1,739,342 from Intensive Supervision Probation/Parole Program to Regular Probation/Parole Program due to Revised Structured Sentencing Estimates | (–0–) |
| **Total Reductions** | | **$(6,515,374)**<br>(10) |

Governor's Expansion Budget

| | | |
|---|---|---|
| 1. | OPUS – Automated files for inmates, probationers/parolees. | 800,000 NR |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital Department of Correction** (Continued)

| | 1994–95 |
|---|---|
| Govenor's Expansion Budget (Continued) | |
| 2. Reserve for Capacity Increases – add 2,074 beds at Small v. Martin units | 8,748,910 |
| | (222.5) |
| 3. Funds for supervision of inmate road squads and work crews and to pay for diem cost of inmates at non Small v. Martin units. | 482,647 |
| | (2) |
| 4. Nonrecurring Items for Boot Camps/Work Facilities | 593,690 NR |
| Other Expansion Budget: | |
| 1. Increase Laundry line item | 250,000 |
| 2. Increase staff for inmate health care cost containment | 409,051 |
| | 40,949 NR |
| | (7) |
| 3. Continue funding for Harriet's House, a transitional program for female parolees and their children | 300,000 NR |
| 4. Continue funding for a pilot community–based program for alcohol and drug abusers on probation or parole | 200,000 NR |
| 5. Provide funds to study and implement the Youthful Experience in Prison Program to educate youth about life in prison. | 50,000 NR |
| 6. Provide funds to operate a 90–bed boot camp for youthful offenders in an urban area. | 857,707 |
| | 392,293 NR |
| | (32) |
| **TOTAL RECURRING EXPANSION** | **$10,748,315** |
| **LESS REDUCTIONS** | **($6,515,374)** |
| **NET RECURRING EXPANSION** | **$4,232,941** |
| **TOTAL NEW POSITIONS** | **(263.5)** |
| **TOTAL NON–RECURRING EXPANSION** | **$2,376,932 NR** |

(Pages 31–33)

**DEPARTMENT OF JUSTICE**

| | |
|---|---|
| Reductions | |
| General Administration | |
| 3100 Travel Expenses | (2,000) |
| 5100 Office Equipment | (1,003) |
| Legal Services–Attorney General | |
| 1911 Legal Fees | (10,000) |
| 1912 Attorney Fees | (30,000) |
| 3100 Travel Expenses–Boards | (20,000) |
| 5200 Data Processing Equipment | (36,600) |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital Department of Justice** (Continued) 1994–95

Law Enforcement – SBI

| | | |
|---|---|---|
| 2505 | Airplane Supplies | (50,000) |
| 2990 | Other Supplies and Materials | (50,000) |
| 3121 | Out of State Travel | (5,000) |
| 3122 | Out of State Subsistence | (5,000) |
| 3200 | Other Communications | (8,666) |
| 5200 | Data Processing Equipment | (74,700) |
| 5500 | Laboratory Equipment | (44,100) |
| 5540 | Law Enforcement Equipment | (16,100) |

Training & Standards

| | | |
|---|---|---|
| 3200 | Communications | (5,000) |
| 3300 | Utilities | (26,200) |
| 4100 | Rent | (1,000) |
| 5600 | Library Books | (1,200) |

**Total Reductions** **(386,569)**

Governor's Expansion Budget

1. Civil Division – Motor Vehicles Section–Additional staff to respond to increased caseload resulting from growing DMV personnel, new programs and state's increasing population of licensed drivers.
   (1) Attorney I

| | | |
|---|---|---|
| Requirements | $44,317 | * |
| Receipts | 44,317 | |
| Appropriations | –0– | |
| | (1) | |

* Governor recommended $25,000. Total need is $44,317.

Other Expansion Budget

1. **Division – Capital Case Litigation Section** – Additional staff to handle the number of death penalty cases in a timely manner. $151,153 16,424 NR (3)
   (1) Attorney III
   (1) Attorney I
   (1) Paralegal I
2. **Grant Matching Funds:**
   a. **Legal Services – Citizens Rights Division** – Funds to match federal grants for 1) Child Victim's Assistance Project, 2) Drug Court Lead, 3) Safe Neighborhoods Strategy and 4) Elder Abuse Prevention. 100,597 NR
   b. **SBI** – Bullet Proof Grant – Funds to match federal grant to purchase computerized system to match bullets and weapons. 166,661 NR

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital Department of Justice** (Continued)

| | | 1994–95 | |
|---|---|---|---|
| 3. | **SBI** – Additional investigative personnel to respond to increasing requests for assistance from local law enforcement in response to violent crime. (1) Special Investigator (5) SBI Agent I | 343,191<br>167,400<br>(6) | <br>NR<br> |
| 4. | **Legal Services** – Additional operating support for legal staff – To increase budget level to current expenditure level. | 84,800 | |
| 5. | **Administration** – Additional staff is needed to handle printing needs for legal services. (1) Printing Equipment Operator I | 21,256<br>725<br>(1) | <br>NR<br> |
| 6. | **Information Systems Division** – Upgrade the Legal Services Division automated systems to allow all sections tocommunicate and have at least one access to computerized legal research. | 119,000 | NR |
| 7. | **SBI** – Firearms analyst and necessary equipment – To provide funding for a firearms analyst and necessary equipment which will allow for increased assistance to local law enforcement in timely manner. (1) Analyst I | 38,923<br>56,355<br>(1) | <br>NR<br> |
| 8. | **Criminal Division – Medicaid Fraud Section** – Additional investigators are required to handle the increased caseload. Of the $116,493 total requirements, $95,053 is recurring and $21,440 is non–recurring. (2) Investigators | | |
| | Requirements | 116,493 | |
| | Receipts | 87,370 | |
| | Appropriations | 29,123 | |
| | | (2) | |
| 9. | **Trade and Commerce Division – Consumer Protection Section** – Additional investigators to assist in the areas of charitable solicitation fraud, anti–trust violations and price fixing schemes. (2) Investigators | 98,768<br>9,400<br>(2) | <br>NR<br> |
| 10. | Legal Services: Appropriate funds to the North Carolina Legal Education Assistance Foundation to provide loan repayment assistance for attorneys employed full–time in law–related public service positions. | 50,000 | NR |
| 11. | Funds to implement Sex Offender Registration. Funds are to be expended only if SB 1398 (has House companion bill) is ratified. | $22,810<br>$10,000 | <br>NR |
| 12. | Reserve for major litigation expense. | 100,000 | NR |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital Department of Justice** (Continued)

| | 1994–95 |
|---|---|
| **TOTAL EXPANSION REQUIREMENTS** | **$1,718,273** |
| **RECEIPTS** | **$131,687** |
| **APPROPRIATIONS** | **$1,586,586** |
| **TOTAL NEW POSITIONS** | **(16)** |
| **TOTAL RECURRING EXPANSION** | **$790,024** |
| **LESS REDUCTIONS** | **($386,569)** |
| **NET RECURRING EXPANSION** | **$403,455** |
| **TOTAL NON–RECURRING EXPANSION** | **$796,562 NR** |

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(Pages 34–35)

**DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY**

Reductions

| | |
|---|---|
| Administration | |
| 1. Out–of–State Travel/Transportation | $(2,000) |
| 2. Repairs and Maintenance | (2,500) |
| 3. Data Processing Services/Maintenance | (4,100) |
| National Guard | |
| 1. Office Materials and Supplies | (1,000) |
| 2. In–State Travel/Transportation | (2,000) |
| 3. In–State Travel/Subsistence | (1,000) |
| 4. Printing and Reproduction | (2,000) |
| 5. Office Furniture and Equipment | (2,000) |
| Butner Public Safety | |
| 1. Repairs and Maintenance | (1,500) |
| Alcohol Law Enforcement (ALE) | |
| 1. ALE Agent (Position Vacancy) | (36,236) |
| Emergency Management | |
| 1. In–State Travel/Transportation | (3,000) |
| 2. In–State Travel/Subsistence | (5,000) |
| 3. Other Communication | (1,000) |
| 4. Printing and Reproduction | (4,000) |
| 5. Repairs and Maintenance | (3,000) |
| 6. Educational Expense | (4,000) |
| Victim and Justice Services | |
| 1. In–State Travel/Transportation | (9,905) |
| 2. In–State Travel/Subsistence | (4,000) |
| 3. Out–of–State Travel/Transportation | (2,000) |
| 4. Out–of–State Travel/Subsistence | (3,000) |
| 5. Educational Expense | (10,000) |
| 6. Insurance and Bonding | (5,000) |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**Department of Crime Control and Public Safety** (Continued) 1994–95

Governor's Crime Commission
1. In–State Travel/Transportation (2,000)
2. In–State Travel/Subsistence (2,000)
3. Telephone (1,000)
4. Drug Enforcement–State Match (50,000)

Crime Prevention
1. Printing and Reproduction (5,000)

**TOTAL REDUCTIONS** **(168,241)**

Expansion Budget
1. To increase funds for National Guard Tuition Assistance. $192,500
2. Increase funding for repairs and maintenance to National Guard armories. 200,000
3. Provide funds to cover the State's share of an agreement with the US Army Corps of Engineers and FEMA to conduct a restudy of the Eastern North Carolina Evacuation Study 105,000
4. Funds for ten Alcohol and Law Enforcement agents for ongoing inspection and enforcement activity. 406,240
   222,100 NR
   (10)
5. Civil Air Patrol – To provide for repayment of construction loan and for landscaping. 45,000 NR
6. Butner Public Safety – Fire Suppression Equipment. 273,263 NR

**TOTAL RECURRING EXPANSION** **903,740**
**LESS REDUCTIONS** **(168,241)**
**NET RECURRING EXPANSION** **735,499**
**TOTAL NEW POSITIONS** **(10)**
**TOTAL NON–RECURRING EXPANSION** **540,363 NR**

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(Pages 36–49)
**DEPARTMENT OF HUMAN RESOURCES**

**Continuation Budget Changes:**

Division of Medical Assistance
1. **Rate of Growth Adjustment:** Reduce budget due to slower than anticipated rates of growth in eligibles and costs per eligible. ($80,287,706)
2. **Overrealized Receipts:** Reduce appropriations due to anticipated increases in Drug Rebate receipts. (478,391)

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital Deparment of Human Resources** (Continued) 1994–95

**Division of Medical Assistance** (Continued)

3. Reduce appropriations to reflect increased receipts and adjustments to budgeted program increases. (12,000,000)

**Division of Facility Services**

1. **Construction Section Adjustments:** Reductions to travel lines. (12,000)
2. Reduction of .3044% to state funding for local programs as identified by the Governor. (2,861)
3. Eliminate the salary related increase for state funded locally operated programs calculated on the basis of a 2.16% increase for state employees. (12,293)

**Division on Aging**

1. **Sr. Center Outreach:** Adjust outreach funding for Area Agencies on Aging for Senior Centers. (12,524)
2. Reduction of .3044% to state funding for local programs as identified by the Governor. (2,294)
3. Eliminate the salary related increase for state funded, locally operated programs, calculated on the basis of a 2.16% salary increase for state employees. ($12,679)

**Division of Social Services**

1. **JOBS:** Reduce appropriations due to availability of increased federal resources. (138,730)
2. **Aid to Families With Dependent Children:** Reduce appropriations for AFDC and AFDC–Unemployed Parent Program (AFDC–UP) to reflect lower than expected growth in aseloads and payments. (6,518,392)
3. **Child Support Receipts Increased:** Adjust appropriations due to increased child support collections for AFDC recipients. (500,000)
4. **Psychological Services Reductions:** Eliminate psychological services in Child Welfare Services. (163,750)
5. **JOBS:** Adjustments to budgeted but unexpended funds for county initiatives. (31,138)
6. **State County Special Assistance Program:** Adjust projected average monthly payment amount and number of payments to domiciliary care facilities to reflect actual activity. (561,980)
7. Reduction of .3044% to state funding for local programs identified by the Governor. (145,353)
8. Eliminate the salary–related increases for state funded,locally operated programs, calculated on the basis of a 2.16% salary ncrease for state employees. ($1,575,276)

**Division of Services for the Blind**

1. **State County Special Assistance for Adults:** Reduce funding for domiciliary care placements. (14,515)

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**Deparment of Human Resources** (Continued) 1994–95

Division of Services for the Blind (Continued)

2. **Burlington District Office:** Consolidate services in the Burlington and Winston–Salem District offices into the Winston–Salem Office. (5,646)
3. **Governor Morehead School Reduction:** Eliminate vacant occupational and physical therapist positions. (55,369)
(–2.0)
4. Eliminate the salary related increase for state funded, locally operated programs calculated on the basis of a 2.16% salary increase for state employees. (8,672)

Division of Deaf and Hard of Hearing

1. **Central N.C. School for the Deaf:** Eliminate vacant house–keeping and educational development aid positions. (25,112)
(–2.0)
2. **N.C. School for the Deaf at Morganton:** Eliminate vacant part–time occupational therapist position. (8,198)
(–0.22)

Division of Child Development

1. **Head Start:** Adjustments to funding for Head Start Parent/Child Centers. ($52,197)
2. Reduction of .3044% to funding for local services as identified by the Governor. (58,935)
3. Eliminate the salary related increase for state funded, locally operated programs, calculated on the basis of a 2.16% salary increase for state employees. (579,234)

Office of the Secretary

1. Reduce contracted personnel services and over–budgeted state match for federal funds. (15,259)
2. Abolish one Volunteer Services position, vacated as a result of the elimination of the Office of Volunteer Services. (29,463)
3. Departmental Reduction of .3044% to state funds for local services as identified by the Governor. (7,869)
4. Eliminate the salary related increase for state funded, locally operated programs, calculated on the basis of a 2.16% salary increase for state employees. (34,832)

Division of Youth Services

1. Reduce various line–items by 1%. (55,304)
4. Eliminate the salary related increase for state funded, locally operated programs,calculated on the basis of a 2.16% salary increase for state employees. ($263,488)

Division of Vocational Rehabilitation

1. Eliminate 3 positions through a reorganization of data entry operations. (13,901)
(–3.0)

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**

| **Deparment of Human Resources** (Continued) | 1994–95 |
|---|---|
| Division of Vocational Rehabilitation (Continued) | |
| 2. Eliminate 1 position through a consolidation of staff operating computer hardware with staff developing software. | (8,092)<br>(–1.0) |
| 3. Reduce non–medical, rehabilitation case services funds. | (24,640) |
| 4. Reduction of .3044% to state funding for local services as identified by the Governor. | (9,886) |
| 5. Eliminate the salary related increase for state funded, locally operated programs, calculated on the basis of a 2.16% salary increase for state employees. | (40,735) |
| **Division of Mental Health, Developmental Disabilities, and Substance Abuse Services** | |
| 1. Adjust patient receipts in state institutions to more realistic levels. | (2,943,984) |
| 2. Convert Caswell Center's acute medical care beds to ICF/MR. | (586,920) |
| 3. Consolidate administrative activities' of Butner ADATC with John Umstead Hospital. | ($66,858)<br>(–3.0) |
| 4. Generate Medicaid reimbursement for Thomas S and Willie M program administration. | (1,116,401) |
| 5. Convert Western Carolina Center's 8 bed hospital to ICF/MR. | (348,066) |
| 6. Reduction of .3044% to state funding for local services as identified by the Governor. | (528,411) |
| 7. Eliminate the salary related increase for state funded, locally operated programs, calculated on the basis of a 2.16% salary increase for state employees. | (3,972,791) |
| **TOTAL CONTINUATION BUDGET CHANGES** | **($113,330,145)**<br>(–11.22) |
| **EXPANSION** | |
| Division of Medical Assistance | |
| 1. **Expansion of Children's Coverage:** Extend coverage to children ages 11 to 19 with family incomes under 100% of federal poverty guidelines effective 7/1/95. Funds to support this expansion are transferred from Department of Environment, Health and Natural Resources, Division of Health Services, Children's Special Health Services Program. | $2,846,992 |
| 2. **Coverage for Adoptive Children with Special Rehabilitative Needs:** Extend coverage to families who adopt children with special needs without regard to family income effective 10/94. | $300,000 |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**

| | 1994–95 | |
|---|---|---|
| **Deparment of Human Resources** (Continued) | | |
| **EXPANSION** (Continued) | | |
| Division of Medical Assistance (Continued) | | |
| 3. **Coverage for Elderly, Blind and for Disabled:** Effective 1/1/95 provide Medicaid coverage for all SSI eligible elderly, blind and disabled people. (Eliminate 209(b) status) | 20,000,000 | |
| 4. **Funding for Estate Recovery:** Funding to support estate recovery activities required by federal law. | 54,750 | |
| | 50,000 | NR |
| Division of Social Services | | |
| 1. **Expansion of JOBS Opportunity and Basic Skills (JOBS) Program:** Funds to implement the program statewide effective July 1, 1994. | 934,131 | |
| | (4) | |
| 2. **Federal Financial Participation (FFP) Rate:** Funds to cover a reduction in the FFP rate for the systems – related Aid to Families with Dependent Children and Food Stamps expenses. | 557,903 | |
| 3. **Increase in Rest Home Payments:** Funds to increase by 5% the maximum monthly rate for ambulatory residents of domiciliary care facilities from $938 to $985 and for semi–ambulatory residents from $979 to $1,028. Effective October 1, 1994. | 4,798,716 | |
| 4. **Foster Care Services:** | | |
| (a) Institute Graduated Monthly Rate Schedule effective October 1, 1994 – | | |
| (0–5 yrs) $290 | | |
| (6–12 yrs) $315 | | |
| (13–18 yrs) $340 | 761,895 | |
| (b) Funds to contract for an outside independent comprehensive study of the Child Welfare System. | $150,000 | NR |
| (c) Funds to develop and implement an in–house training component for foster care and adoptions staff, parents and local DSS staffs. | 181,270 | |
| | (3) | |
| (d) Funds to purchase a foster care recruitment and retention assessment guide. | 15,167 | NR |
| 5. **Adoption Assistance Program:** Funds to institute a graduated monthly rate schedule effective October 1, 1994 – | | |
| (0–5 yrs) $290 | | |
| (6–12 yrs) $315 | | |
| (13–18 yrs) $340 | 538,456 | |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**

| | | 1994–95 | |
|---|---|---|---|
| **Deparment of Human Resources** (Continued) | | | |
| **EXPANSION** (Continued) | | | |
| Division of Social Services (Continued) | | | |
| 6. | **Child Welfare Adjustments** | | |
| | (a) Caseload adjustments – in foster care and adoptions. | 242,817 | |
| | (b) Reduction in federal financial participation rate in Foster Care, Adoptions and Family Services Administration. | 17,670 | |
| 7. | **Maternity Home Fund:** Funds to provide maternity home services to eligible clients. | 665,000 | |
| 8. | **Children's Home Society of North Carolina, Inc:** Funds to support adoptions activities for special needs children. | 750,000 | NR |
| Division of Child Development | | | |
| 1. | **Smart Start:** Funding for the expansion of the Early Childhood Education and Development Initiative in the following areas: | | |
| | a. Additional funding for the addition of twelve new counties and ten new positions for the Division of Child Development. | 17,328,035<br>(10) | |
| | b. Additional funds to provide the initial twelve projects in eighteen counties with funding adjusted for an increase in the market rate and to bring the initial counties closer to their projected full allocation. | $8,795,747 | |
| | c. **T.E.A.C.H:** Continuation funding for the Teacher Education and Compensation Helps Early Childhood project to allow child day care teachers to seek continued education. | 1,000,000 | NR |
| 2. | **Subsidized Child Day Care:** Increase funding to provide subsidized child day care for the same number of children in the nonentitlement child day care program in 1994–95 as will be served in 1993–94. This increase also includes a transfer of $5,066,924 from excess state matching dollars in the federal Family Support Act entitlement day care program. | 1,064,783 | |
| 3. | **Uplift, Inc.:** Funds to provide a grant–in–aid to a Greensboro based organization which provides technical assistance to counties to better use existing resources for families and children. | 300,000 | NR |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital Deparment of Human Resources** (Continued) 1994–95

**OFFICE OF THE SECRETARY**

**Division of Family Development**

1. **Smart Start:** Funds to add positions to assist in the implementation of the Early Childhood Education and Development Initiatives. 112,500 (3)
2. **Provider Stipend Program:** Expand this program to recruit primary care providers including physicians nurse practitioners, nurse midwives and physician assistants in rural communities and underserved areas of the state Annual Cost. 900,000
3. **Primary Care Development Grants:** Funds to provide rural and underserved communities with state funded recruitment incentives and bonuses for health care providers. 750,000

**Division of Services for the Blind**

1. **Extended School Year (ESY) Program:** Funds to establish ESY as mandated by federal law. $106,442 (3.2)
2. **Transition Services:** Funds to implement a federally mandated program which promotes movement from school to post–school activities. 62,312 (2)

**Division of Services for the Deaf and Hard of Hearing**

1. **Transition Services:** Funds to implement a federally mandated program which promotes movement from school to post–school activities. 304,806 (6)

**Division of Mental Health, Developmental Disabilities and Substance Abuse**

1. **Willie M Services:** Funds to expand services for an estimated 200 additional children, and initiate training programs and effectiveness studies. Effective October 1, 1994. 5,400,000
2. **N. C. Special Care Center**: Funds for computer equipment and software. 200,000 NR

**Mental Health Study Commission Plans/Coalition 2001**

3. **Domiciliary Care Services:** Provide community–based mental health services for residents of domiciliary care facilities. 1,875,000
4. **HUD Group Homes for Mentally Ill:** Start–up and operating funds for 4 group homes and 3 apartmentprojects. 310,000
5. **Crisis Prevention Funds:** Funds for out–reach, intensive case– management and other 24 houror wrap–around services. $1,860,000

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**

| **Deparment of Human Resources** (Continued) | 1994–95 |
|---|---|
| **EXPANSION** (Continued) | |
| **Division of Mental Health, Developmental Disabilities and Substance Abuse** (Continued) | |
| 6. **Implementation of Child Mental Health Plan:** Funds for Community–based diagnosis and treatment of children. | 750,000 |
| **Developmental Disabilities** | |
| 7. **Thomas S. Services:** Funds to provide services for 210 new class members and to annualize services for another 50 class members. Effective October 1, 1994. | 6,200,000<br>4.0 |
| 8. **PL 99–457 – Early Intervention Funds:** Funds to continue to implement center–based intensive services and respite services in accordance with PL 99–457. Effective October 1, 1994. | 1,000,000 |
| **Mental Health Study Commission Plans/Coalition 2001** | |
| 9. **Head Injury Funds:** Funds to expand services for persons with traumatic brain injuries. | 112,500 |
| 10. **Respite and In–Home Services:** Funds to expand respite and in–home services for the developmentally disabled and their families. | 265,500 |
| 11. **ADAP Funds:** Funds to reduce the waiting list for ADAP services state–wide, to offset operating costs and to expand supported employment services. | $975,000 |
| 12. **United Cerebral Palsy Funds:** Funds to establish and expand services in Lee, Harnett, Wake and Johnston counties and to operate a summer camp for disabled children. | $75,000 |
| 13. **HUD Group Homes:** Start–up and operating funds for 1 group home for the developmentally disabled (DD) and 6 supported living projects | 534,200 |
| 14. **Residential Subsidy for DD Clients:** Funds to pay room and board for clients who are able to move to less restrictive and less costly housing. | 170,550 |
| 15. **Respite and In–Home Support Services for Children:** Funds to expand community–based respite and in–home support services to child DD clients and their families families in order to avoid a more costly and intensive level of care. | 264,750 |
| **Substance Abuse Services** | |
| **Mental Health Study Commission Plans/Coalition 2001** | |
| 16. **Crisis Prevention Services:** Funds to provide prevention/ intervention services to substance abusing adults at risk of readmission to psychiatric hospitals or drug treatment centers. | 2,932,500 |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**

| **Deparment of Human Resources** (Continued) | 1994–95 | |
|---|---|---|
| **EXPANSION** (Continued) | | |
| **Coalition 2001:** | | |
| 17. Funding for capital needs of coalition 2001. | $10,000,000 | NR |
| 18. **Supportive Housing:** Funds to develop 100 units of service–enriched housing for persons with mental illness, developmental disabilities, alcohol or drug dependence or HIV–AIDS. | 6,400,000 | NR |
| **Division of Facility Services** | | |
| 1. **Certificate of Need** – Pursuant to Chapter 383 of 1993 Session Laws, replace CON fees with appropriations for support of the CON section and deposit fees as a non–tax revenue tothe General Fund effective 7/1/94. The net effect to the General Fund is zero. | 782,953 | |
| **TOTAL EXPANSION FUNDING** | **$84,832,178** | |
| | **(35.2)** | |
| | **$18,865,167** | **NR** |

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(Pages 50–52)
**DEPARTMENT OF AGRICULTURE**

**Budget Reductions**

**Marketing**

| | |
|---|---|
| 1. Reduce overtime and other operating expenses | ($70,212) |

**Pesticide Control and Analysis**

| | |
|---|---|
| 2. Reduce postage | (35,000) |
| 3. Decrease funding for pesticide disposal | (35,212) |

**Veterinary Services**

| | |
|---|---|
| 4. Reduce laboratory supplies, field testing supplies and laboratory equipment | (54,349) |

**Meat and Poultry Inspection**

| | |
|---|---|
| 5. Delete four positions and reduce related fringe benefits for State funding and receipts – #4411, #4686, #4453, and #4786 | |
| Total Requirement | (78,291) |
| Receipt | (27,320) |
| GF | (50,971) |
| | (–4) |

**Seed Testing**

| | |
|---|---|
| 6. Delete salary and associated fringe benefits for the position # 6370 | (14,242) |
| | (–1) |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**Department of Agriculture** (Continued) 1994–95

**Plant Protection**

7. Reduce funds for office supplies, laboratory equipment, books and reserve for Gypsy Moth (20,864)

**Research Stations**

8. Decrease funding for livestock feed, other agricultural supplies, and repairs ($70,212)

**TOTAL CUTS IN REQUIREMENTS** **($378,382)**
**LESS REDUCTION IN RECEIPTS** **(27,320)**
**TOTAL BUDGET REDUCTIONS** **(351,062)**
**TOTAL POSITIONS REDUCTIONS** **(–5)**

**Expansion**

1. **Piedmont Triad Farmers Market:** Funding is recommended to provide operational support for the new Piedmont Triad Farmers Market scheduled to be completed and open 1995. 277,210 R
(8)

2. **Marketing Specialist – Air Cargo Facility in Kinston:** Funding is recommended to provide a marketing specialist position at the Air Cargo Facility in Kinston. 166,214 R
(1)

3. **Agriculture Finance Authority:**
   a. Funding is recommended to provide the North Carolina Finance Authority funds to serve as a loan guarantee fund in order to obtain $1,000,000 of federal low cost energy conservation loans for farmers. 250,000 NR
   b. Funding is recommended for the Loan Reserve to make Agricultural loans to meet the continuing loan demands of farmers. 250,000 NR

4. **Aquaculture Development Act:** Authorize funding to further develop the aquaculture industry in North Carolina. $167,969 R
(3)

5. **Pesticide Program:** Continue funding for the inter–agency groundwater study through 1994–95, and establish a monitoring program to support pesticide specific management plans, as mandated by EPA. 766,708 R
(16)

6. **Pseudorabies Program:** Provide funding to replace lost federal support. 300,000 R
(5)

7. **Agricultural Survey Program Funds:** Funds to survey production, prices, and other economic data concerning turfgrass, equine, pesticides, orchards and vineyards, and miscellaneous specialty commodities. 134,600 R

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**Department of Agriculture** (Continued) 1994–95

| | | | |
|---|---|---|---|
| 8. | **Fire Ant Information**: Provide for survey and treatment of fire ant infestations of the imported fire ant outside of quarantine areas. | 214,413 | R |
| 9. | **Discovery Place**: Grant–in–Aid. | 5,200,000 | NR |
| **TOTAL EXPANSION** | **–RECURRING** | **$2,027,114** | |
| | **–NON–RECURRING** | **$5,700,000** | |
| **TOTAL POSITIONS** | | **(33)** | |
| **NET CHANGE EXPANSION** | **–RECURRING** | **$1,676,052** | |
| | **–NON–RECURRING** | **$5,700,000** | |
| **NET CHANGE POSITIONS** | | **(28)** | |

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(Pages 53–59)
**DEPARTMENT OF COMMERCE**

**Budget Reductions**

**Economic Development Board**

| | | |
|---|---|---|
| 1. | Eliminate vacant position and related fringe benefits #19602 | ($48,795)<br>(–1) |
| 2. | Reduce contracted personal services. | (15,419) |
| 3. | Reduce operating costs – office supplies and materials, In–State travel and subsistence for the board, per diem, telephone service, postage, and printing and publications. | (7,360) |

**International Development**

| | | |
|---|---|---|
| 4. | Reduce In–State subsistence and travel. | (7,186) |
| 5. | Reduce printing costs. | (20,000) |
| 6. | Reduce promotional advertising. | (20,000) |

**N.C. Film Office**

| | | |
|---|---|---|
| 7. | Reduce printing funds. | (10,449) |

**Industrial Commission**

| | | |
|---|---|---|
| 8. | Reduce data processing costs. | (31,074) |

**Local Planning and Management**

| | | |
|---|---|---|
| 9. | It is recommended that General Fund appropriation support be eliminated for one position, including salary, fringe benefits, and related support costs. The position and related costs will be supported from federal Community Development Block Grant funds. | (45,000)<br>(–1) |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**Department of Commerce** (Continued) 1994–95

**Entrepreneurial Development Board**

10. After one year of operations, it has been determined that the Board can carry out its duties with two less positions. This recommendation is to reduce salaries, benefits, and related support accordingly. ($133,048)
(–2)

**TOTAL REDUCTIONS** **($338,331)**
**TOTAL POSITION REDUCTION** **(–4)**

**Expansion**

1. **Regional Commissions and Strategic Planning:** Funds are recommended to be placed in a reserve to establish additional economic development regions and associated regional economic development commissions and to establish a full–time coordinator for the economic development plan. 2,000,000 R
(1)

2. **Additional Fund for Mexico Office:** Increased funding is recommended for the Mexico Office due to the extremely high cost of maintaining an office in a desirable location in Mexico City. The 1993 General Assembly appropriated $150,000 on a recurring basis for this office. 100,000 R

3. **Industrial Development Program:** An appropriation is recommended to continue the Industrial Development Fund at the 1993–94 level. The fund (also referred to as the Industrial Building Renovation Fund) facilitates job creation in the 50 most economically distressed counties. $1,000,000 R

4. **Governor's Industrial Recruitment Competitive Fund:** Funds are recommended for the purpose of providing financial assistance to those businesses or industries deemed to be vital to the state economy and that are making significant efforts to locate or expand in North Carolina. The fund was appropriated $5.0 million in 1993–94. 10,000,000 NR

5. **Industrial Commission Staff Expansion and Temporary Panels:** Funds are recommended to add four commissioner positions, four deputy commissioners positions, five law clerks and two legal secretaries. In addition, nonrecurring funds are recommended for two temporary appeals panels to help alleviate he backlog of cases to be heard. 877,035 R
(15)
378,459 NR

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital Department of Commerce** (Continued) 1994–95

**Expansion** (Continued)

6. **Economic Development Board – Economic Development Plan:**

A. **Wastewater Grant Program for High Unit Cost Areas:** Funds are recommended to provide additional grants for high unit cost areas to reduce the cost of providing new and expanded wastewater treatment capacity in low wealth areas. Used consistently with bond funds. 5,000,000 NR

B. **Implement DOC EDIS/Regional Network:** The Department of Commerce's Economic Development Information System will make better information available to economic developers across the state by updating the Business/Industry Division's outdated information processing system. Improved marketing, client tracking and geographic data will be provided. $900,000 R (7)

C. **Economic Development Resource Center:** Funding is recommended for design and implementation of this activity which will make resources available across the state via telecommunications. Resources include access to state and federal loan and grant programs, and technical and financial assistance for businesses. 100,000 NR

D. **Increase Tourism Program Funding to Match Competing States:** It is recommended that travel and tourism promotion development be funded on a basis comparable to our identified state competitors. Additional funds could be used to promote the state as a vacation group tour and convention destination. Funding also supports a Travel and Tourism Area Promoter. 636,500 R (1)

E. **Revise Targeted Jobs Tax Credit (Tax Revenue):** It is recommended that the current tax credit for new jobs be created expanded from manufacturing and processing jobs to include high value nonmanufacturing industries. A tiered system to provide graduated incentive amounts (credits) is also recommended.

F. **Accelerate Environmental Permitting:** Fund arerecommended to accelerate the ongoing review of environmental permitting procedures to streamline administration and reduce delays. $50,000 NR

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**

| **Department of Commerce** (Continued) | 1994–95 | |
|---|---|---|
| **Expansion** (Continued) | | |
| G. **Study Cost/Benefits of Environmental Regulations:** Funds are recommended to establish the protocol for assessing the economic costs and environmental benefits of new and existing regulations. | 100,000 | NR |
| H. **Audit Business Taxes/Tax Credits:** Funds are recommended to conduct an analysis of business–related taxes (including direct and indirect taxes and the effect of tax credits) to assess the impact on competitiveness. The audit should include but not be limited to the corporate tax rate, intangibles tax, worker's compensation rates, and special sales taxes. | 100,000 | NR |
| I. **Develop Methodology to Identify "Clean" Industries (Study):** Funds are recommended to develop a methodology to identify, target, recruit, and birth industries that have a limited impact on the environment. | 400,000 | R |
| | 50,000 | NR |
| Subtotal Economic Development Board | $1,936,500 | R |
| | $5,400,000 | NR |
| 7. **North Carolina Coalition of Farm and Rural Families, Inc.:** These funds re used to foster economic development within the state's rural farm communities by offering financial, marketing, and technical assistance to small and limited resource farmers. | 250,000 | NR |
| 8. **Land Loss Prevention Project, Inc.:** Funds are recommended to provide free legal representation to low–income, financially–distressed small farmers through the Land Loss Prevention Project, Inc. | $300,000 | NR |
| 9. **N.C. Institute for Minority Economic Development:** Funds are recommended to foster minority economic development within the state through policy analysis, information and technical assistance, and resource expansion though the North Carolina Institute for Minority Economic Development, Inc. | 550,000 | NR |
| 10. **World Trade Center:** The Research Triangle Park World Trade Center is a nonprofit comprehensive service organization which fosters global trade by conducting county–specific and/or industry–specific seminars and providing assistance and planning for worldwide business activities. Funds are recommended to support the activities of its teleconferencing and computer information center, audio–visual classroom, and library. | 100,000 | NR |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**Department of Commerce** (Continued) 1994–95

**Expansion** (Continued)

| | | | |
|---|---|---|---|
| 11. | **Yadkin/Pee Dee Lake Project:** This project has evolved from a six–county regional planning study into a recently incorporated nonprofit organization for the purpose of promoting regional economic development. Funds are recommended to support start–up costs of the organization. | 250,000 | NR |
| 12. | **Center for Community Self–Help**: Funds to expand statewide home ownership lending program. | $2,500,000 | NR |
| 13. | Rural Tourism Development Grants: Continue funding for program. | 400,000 | NR |
| 14. | Reserve for Economic Development Initiatives: Funding for projects in Columbus, Caswell, and Burke Counties. | 1,500,000 | NR |

| | | |
|---|---|---|
| **TOTAL EXPANSION** | **–RECURRING** | **$5,913,535** |
| | **–NON–RECURRING** | **$21,628,459** |
| **TOTAL POSITIONS** | | **(24)** |
| **NET CHANGE EXPANSION** | **–RECURRING** | **$5,575,204** |
| | **–NON–RECURRING** | **$21,628,459** |
| **NET CHANGE POSITIONS** | | **(20)** |

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(Page 60)
**MCNC**

| | | | |
|---|---|---|---|
| 1. | **Expand Network:** Funds to pay connecting charges and operating costs to join the following universities to the North Carolina Research and Education Network: Appalachian State University, Elizabeth City State University, Fayetteville State University, North Carolina Central University, Pembroke State University, University of North Carolina at Greensboro, University of North Carolina at Wilmington, and Western Carolina University. | $1,313,000 | R |
| 2. | **Upgrade Supercomputing Capability:** Funds are recommended to upgrade the supercomputing capability at the North Carolina Supercomputing Center. The current supercomputer is becoming noncompetitive with available leading edge technology and is expected to become obsolete by 1995. These funds are sufficient to support one–half year of the upgrade. The upgrade is anticipated to require a 4–5 year commitment of funds at $4,000,000 for each year. | 2,000,000 | R |

**TOTAL EXPANSION – RECURRING** **$3,313,000**

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**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital** 1994–95

(Pages 60–61)

**N.C. BIOTECHNOLOGY CENTER**

1. **Biotechnology Initiative for Minority Universities:** The 1993 General Assembly appropriated $1.0 million to be used to develop a special biotechnology program initiative for North Carolina's Public Historically Black Universities and Pembroke State University. Expansion funds are recommended to continue building upon the basic biotechnology foundation established by these institutions in 1993–94. $1,000,000 R

**TOTAL EXPANSION – NON–RECURRING** **$1,000,000**

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(Pages 61–62)

**RURAL ECONOMIC DEVELOPMENT CENTER**

1. **New and Emerging Community Development Corporations:** Funds are recommended to provide grants to local community development corporations that have not previously received state funds. Community development corporations, or CDCs, are private, nonprofit community–based corporations that promote economic and communitydevelopment and positive cash flow. $1,300,000 NR
2. **North Carolina Community Development Initiatives, Inc.:** Funds are recommended for the North Carolina Community Development Initiatives, Inc., to provide grants to mature community development corporations that have demonstrated project and organizational capacity. 2,000,000 NR
3. **Microenterprise Loan Program:** The Microenterprise Loan Program provides grants to local entities (usually councils or governments or community development corporations) in order for those entities to become micro–lending sites for individuals with barriers to receiving traditional loans. This recommendation provides recurring support of the grant fund and program operations. 650,000 NR
4. **Minority Credit Union Support Center:** Funds are recommended for the Minority Credit Union Support Center. The Center provides technical assistance to community–based minority credit unions. $300,000 NR
5. **Capacity Building Grants Program:** Funds are recommended to continue funding of the Capacity Building Grants program to provide funds to depressed counties and municipalities to enable them to acquire short–term capacity for immediate needs for economic development planning (such as needs assessment, engineering and grants writing). 600,000 NR

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital Rural Economic Development Center** (Continued) 1994–95

6. **Supplemental Funding Pilot Project:** Continue pilot program to provide funds for matching requirements for economic development in economically depressed areas. 1,650,000 NR
7. **Opportunities Industrialization Centers:** Funding to support the four centers that serve Wilson, Rocky Mount, Pitt–Greenville, and Lenoir, Greene and Jones Counties. 100,000 R

**TOTAL EXPANSION** **–RECURRING** **$100,000**
**–NON–RECURRING** **$6,500,000**

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(Page 62)
**TECHNOLOGICAL DEVELOPMENT CENTER**

1. Funds to continue statewide entrepreneurial infrastructure, specifically, buildings that provide space and support services for small businesses in the early stages of development. $2,500,000 NR

**TOTAL EXPANSION – NON–RECURRING** **$2,500,000**

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(Pages 63–69)
**DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES**

**Budget Reductions**
**Position Reductions**

1. Eliminate positions and reduce related fringe benefits in each of the following divisions: Forest Resources (3), Parks and Recreation (1), Soil and Water Conservation (1), N.C. Aquariums (1), Maternal and Child Health (2), Nutrition Services (3), Office of Waste Management (1), Environmental Management (3), and Solid Waste Management (1). ($510,256)
(–16)

**Forest Resources**

2. Reduce emergency response. (135,000)

**Environmental Health**

3. Reduce support for mosquito control in counties and cities. (100,000)

**Epidemiology**

4. Reduce pharmaceuticals. (152,232)

**Adult Health**

5. Adjust funds in the Cancer Program. (150,000)

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**Department of Environment, Health, and Natural Resources** (Continued) 1994–95

**Coastal Management**
6. Reduce funds for other contracts, grants, and education. (20,000)

**Land Quality**
7. Reduce travel costs. (10,850)

**Solid Waste Management**
8. Reduce office supplies and materials, and in–state travel and subsistence funds. ($49,765)

**Division of Parks and Recreation**
9. In 1993, the State Parks Division submitted a continuation and expansion request for Lumber River State Park. As a result, both requests were inadvertently approved and certified. This reduction will eliminate the reserve established in the continuation budget for Lumber River State Park. (227,786)

**Increase State Parks Receipts**
10. It is recommended that additional receipts collected at the State Parks for activities such as campground rental fees, marina, sales, bathhouse fees and refreshment sales be budgeted and thereby reduce general fund appropriations. (88,526)

**Decrease the Number of Positions at the North Carolina Zoological Park**
11. A reserve was established in the 1993–95 biennium budget for the North Carolina Zoo to establish positions for the opening of North America. It has been determined that the Zoo does not need as many positions as previously estimated. This reduction will reduce the reserve for 1994–95 by $248,160. (248,160)

**Reduction in Maternal and Child Health**
12. Due to continued expansion of Medicaid services and funds as well as an inflation rate that has been less than originally projected, state funds can be reduced in the Maternal and Child Health program. No reduction in services will result in this budgetary change. (1,240,058)

**Albemarle Pamlico Estuarine Study – Delete Program**
13. Funding for the Albemarle Pamlico Estuarine Study can be reduced by $494,458. The study has been completed and the management report will be delivered by June 30, 1994. ($494,458)

**Children's Special Health Services**
14. Savings as a result of providing funds to expand Medicaid coverage for children age 11 to 19 under 100% of federal poverty guidelines. (2,800,000)

**TOTAL BUDGET REDUCTIONS** **($6,227,091)**
**TOTAL POSITION REDUCTIONS** **(–16)**

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**Department of Environment, Health, and Natural Resources** (Continued) 1994–95

**EXPANSION**

1. **Replace Lost Block Grant Funds:** Funding is recommended to replace the loss of Maternal and Child Health Block Grant federal funds. $1,392,889 R

2. **License Review for Low Level Radioactive Waste Management Facility:** Additional funding is recommended to complete the site characterization and licensing application for the low level radioactive waste facility.

   A. **Groundwater:** A nonrecurring appropriation of $335,000 is recommended to continue to pay the contractor costs associated with site characterization and licensing application. The review of the characterization phase and the beginning of the license review phase of the process have required changes and addition to the original scope of the contract and estimates of cost. 335,000 NR

   B. **Geological Survey Section:** A nonrecurring appropriation of $25,000 is recommended for operating funds to enable the Section to assist the Division of Radiation Protection in the LLRW license application review and performance assessment. 25,000 NR

   C. **Division of Radiation Protection:** A nonrecurring application of $367,000 is recommended to provide a performance assessment contract and for contractor assistance in license application review. A recurring appropriation of $53,899 is also recommended to hire a health physicist to review license applications and amendment requests to use radioactive materials, make required inspections, and provide technical assistance. $53,899 R
   (1)
   367,000 NR

3. **Improve Fisheries Management** Funding to replace seaplane for law enforcement operations. 120,000 NR

4. **Assist Young Children with Disabilities:** Funding is recommended to expand the provision of special therapy and assistive technology services to young children with disabilities. 1,131,000 R
   (13)

5. **Partnership for the Sounds:** Funding is recommended to continue the development of the Partnership for the Sounds project started in 1993. 367,250 R
   2,700,000 NR

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**Department of Environment, Health, and Natural Resources** (Continued) 1994–95

| | | |
|---|---|---|
| **EXPANSION** (Continued) | | |
| 6. **Basinwide Management:** Funding is recommended to protect and improve water quality through the Division of Environmental Management's basinwide management program. | 500,000<br>(8) | R |
| 7. **Forest Resources:** Provide an additional Forest Ranger in Warren County. | 30,000<br>(1) | R |
| **Environmental Management** | | |
| 8. Funds to support mandated pesticide State management development and to continue 25,000 analyses annually. | $168,313<br>(4) | R |
| **Marine Fisheries** | | |
| 9. Provide funds to create a Fishery Reserve Grant program, to support the administrative expenses of the fisheries data information system, to support the Blue Ribbon Advisory Council on Oysters, and to create an office in Tyrrell County to perform research and technical assistance to crab fishing and personnel: Crab Specialist, two techniciansand a clerk. | 1,533,441<br>(4) | R |
| **Grassroots Science Program** | | |
| 10. Expand grant–in–aid to nine areas of the State for regional science museums to promote outreach science projects for unserved communities. | 450,000 | R |
| **Beaver Control Program** | | |
| 11. Transfer funds to Wildlife Resources Commission to add 12 counties to the pilot program. | 60,000 | R |
| **Parks and Recreation** | | |
| 12. Provide funds to study feasibility of developing the Mountain Island Lake Area as a regional State Park. | 15,000 | NR |
| **Adult Health** | | |
| 13. Funds to support the Cancer Control Advisory Council. | 50,000 | R |
| **Division of Soil and Water** | | |
| 14. (a) One–time funds to purchase equpment and furnishings – $2,000 per county. | 200,000 | NR |
| (b) Funds to support the National Evirothon meeting in Asheville. | 25,000 | NR |
| **Solid Waste Management Division** | | |
| 15. Provide funds to support grants. | $1,000,000 | NR |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**Department of Environment, Health, and Natural Resources** (Continued) 1994–95

**EXPANSION** (Continued)
**Aquariums**

16. The 1993 General Assembly authorized North Carolina Aquariums Commission and the Secretary to adopt a fee schedule for the state's public aquariums. The legislation states that the Secretary of Department of Environment, Health, and Natural Resources may expend monies from the receipts of admission fees only upon the authorization of the General Assembly for repair, maintenance, and educational exhibit construction. It is recommended that these receipts be approved and budgeted for these purposes.

| | |
|---|---|
| Requirements | $2,282,000 |
| Receipts | 2,282,000 |
| Appropriation | – |

| | | |
|---|---|---|
| **TOTAL EXPANSION** | **–RECURRING** | **$5,736,792** |
| | **–NON–RECURRING** | **$4,787,000** |
| | **–RECEIPTS** | **$2,282,000** |
| **TOTAL POSITIONS** | | **(31)** |
| **NET CHANGE EXPANSION** | **–RECURRING** | **$(490,299)** |
| | **–NON–RECURRING** | **$4,787,000** |
| | **–RECEIPTS** | **$2,282,000** |
| **NET CHANGE POSITIONS** | | **(15)** |

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(Page 70)
**DEPARTMENT OF LABOR**
**Budget Reductions**

| | | |
|---|---|---|
| 1. | Increase receipts to support indirect cost and reduce state funding. | ($100,000) |
| 2. | Increase Elevator Inspection Fees | (59,546) |
| **TOTAL REDUCTIONS** | | **($159,546)** |

**Expansion**

| | | |
|---|---|---|
| 1. | Provide funds to complete expansion of computer network. | $750,000 NR |
| 2. | Funds to establish the Ergonomics Center. | |
| | Requirements | $1,301,016 |
| | Receipts | 400,000 |
| | Appropriation | 901,016 |
| | | (15) |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**Department of Labor** (Continued)

| | | 1994–95 |
|---|---|---|
| **TOTAL EXPANSION** | **–RECURRING** | **$901,016** |
| | **–RECEIPTS** | **400,000** |
| | **–NON–RECURRING** | **750,000** |
| TOTAL POSITIONS | | **(15)** |
| **NET CHANGE EXPANSION** | **–RECURRING** | **$741,470** |
| | **–RECEIPTS** | **400,000** |
| | **–NON–RECURRING** | **750,000** |

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(Page 71)
**HOUSING FINANCE AGENCY**

1. **Increase Housing Trust Fund:** The Housing Trust Fund is the only state funded, designed, and administered program to help very–low income households with their housing needs. Funding is recommended to continue to assure the availability of affordable housing for special need individuals, rural housing and the very low income population. $2,500,000NR
2. **HOME Program:** The Federal Home Investment Partnership Program provides the state with funds for a variety of affordable housing activities. These funds are matched by state funds on a 25% basis. Projected federal funds for 1994–95 should be $13.8 million requiring a match of $3.45 million. The available match funding is only $2.3 million, therefore an additional $1.15 million is recommended to provide adequate state matching funds. 1,150,000 NR

**TOTAL EXPANSION – NON–RECURRING** **$3,650,000 NR**

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(Page 72)

**RESERVES**

1. Debt Service – To fund principal and interest on the issuance of over $400 million of the $740 million general obligation bonds for the university, community colleges, water and wastewater and state parks. 25,723,695
2. Reserve for OSHA–Bloodborne Pathogens to implement the federal regulations. 1,000,000 NR
3. Teacher Pay Date Restoration – To eliminate the liability for the deferral of the twelfth–month public school payroll deferred in 1990–91. 120,000,000 NR

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital Reserves** (Continued)

| | 1994–95 | |
|---|---|---|
| 4. Reserve for Salary Adjustments. | 500,000 | |
| 5. Reserve for Subsistence Allowance Increase for State Employees | 1,600,000 | |
| 6. Reserve for Retirees | (16,318) | |
| 7. Excess 1993–94 Compensation Increase Funds | (1,757,024) | |
| 8. Compensation Increase–4% | | |
| Public Schools | 98,803,784 | |
| University–EPA | 29,294,620 | |
| Community Colleges | 15,820,117 | |
| All Others | 69,641,479 | |
| Locally Operated Programs | 13,229,194 | |
| **Total** | **226,789,194** | |
| 9. Compensation Bonus–1% | | |
| Public School | 31,303,990 | NR |
| University–EPA | 7,616,601 | NR |
| Community Colleges | 4,113,245 | NR |
| All Others | 17,385,504 | NR |
| **Total** | **60,419,340** | **NR** |
| **TOTAL RESERVES** | **$252,839,547** | |
| | $181,419,34 | NR |
| **TRANSFER REMAINING AVAILABILITY TO THE SAVINGS RESERVE ACCOUNT** | **$34,263,300** | |

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(Pages 73–78)

**SENATE**
**HIGHWAY FUND AVAILABILITY**

| | |
|---|---|
| **Beginning Credit Balance:** | |
| (Governor's Recommended Budget) | |
| Overcollections | $23,500,000 |
| Reversions | 11,500,000 |
| | $35,000,000 |
| **Adjustments to Credit Balance:** | |
| Reduction in Reversions (Driver Ed) | (1,500,000) |
| Increase in Overcollections* | 7,000,000 |
| Revised Credit Balance | $40,500,000 |
| Increased Revenue in FY 1994–95 | 18,000,000 |
| Base Budget Reductions | 1,450,000 |
| **Total Available for Expansion Budget** | **$59,950,000** |

*The Office of State Budget and Management (OSBM) and the Fiscal Research Division of the General Assembly have agreed that overcollections in the Highway Fund in FY 1993–94 will be $30.5 million. Approximately 20% of the $7 million in additional funds must be used for Powell Bill and Secondary Roads.

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital Department of Transportation** (Continued)

| | 1994–95 |
|---|---|
| **Continuation Budget Changes:** | |
| 1. Reduce SIPS payments – Reduce payments to State Information Processing Services (SIPS) due to reduction in unit charges for services (0220–2354). | ($800,000) |
| 2. Eliminate Drivers License Positions – Abolish 55 Drivers License positions in September 1994 due to implementation of new computer system (0530 – various) | (650,000) |
| | (–55) |
| | ($1,450,000) |
| | (–55) |
| **Expansion Budget:** | |
| **Transportation Administration** | |
| 1. Increase Aviation funds – Increase the funds needed to reimburse the Equipment Fund for aircraft rental ($255,000) and fuel ($89,000). An additional $75,000 in receipts are anticipated. | $344,000 |
| | (75,000) |
| | $269,000 |
| 2. New telephone System – Replace the Telephone Systems in the Transportation Building (formerly Highway Building). | 332,000 |
| **Total – Transportation Administration** | **$601,000** |
| **Construction Program** | |
| 3. Increase Secondary Road Construction – Increase funding for secondary road construction based on increased gasoline sales. This fund receives 1.75 cents from each gallon of gasoline that is taxed. | 4,300,000 |
| **Maintenance Program** | |
| 4. Increase Maintenance – Increase funding for maintenance on the following systems: | |
| Primary | 3,027,294 |
| Secondary | 5,305,273 |
| Urban | 796,620 |
| | 9,129,187 |
| 5. Increase Ferry Budget – Increase the Ferry operational budget due to an increase in vessels, an increase in schedules and requirements mandated by the U.S. Coast Guard. | 2,000,000 |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**
**Department of Transportation** (Continued) 1994–95

**Expansion** (Continued)
**Ferry Operations** (Continued)

| | |
|---|---|
| 6. Ferry Projects – Increase Ferry funds to support the following expenses: | |
| a) Acquire crew member uniforms | 21,000 |
| b) Pay consultant to study feasibility of building ferries in N.C. | 30,000 |
| c) Replace outdated highway signs marking ferry installations | 60,000 |
| d) Install air purifiers on selected ferries | 20,000 |
| e) Provide temporary restrooms at Hatteras South Dock | 10,000 |
| | $141,000 |
| **Total – Ferry Operations** | **$2,141,000** |

**State Aid**

| | |
|---|---|
| 7. Increase Powell Bill – Increase State Aid to Municipalities (Powell Bill) based on increased gasoline sales. This fund receives 1.75 cents from each gallon of gasoline that is taxed. | 4,300,000 |
| 8. Increase Public transit grants – Increase grants for Public Transit in the following categories: | |
| Urban Transit Maintenance Assistance | 3,000,000 |
| Elderly and Disabled Transit Assistance | 500,000 |
| Rural General Public Assistance | 300,000 |
| Human Service Capital Assistance | 600,000 |
| Human Service Transportation Management | 400,000 |
| Public Transportation Grant Program | 1,000,000 |
| | 5,800,000 |
| 9. Increase state aid for railroads – Increase state aid for railroad improvements such as railroad rehab on short line railroads and construction of rail spurs for industrial access. | $400,000 |
| **Total – State Aid** | **$10,500,000** |

**Division of Motor Vehicles**

| | |
|---|---|
| 10. Problem Driver Pointer System – Create a new system mandated by the National Highway Safety Administration that must be implemented during FY 94–95. The Problem Driver Pointer System will allow DMV to track problem drivers through a national on–line computer system. The funds will pay for required programming and consultant fees. | 250,000 |
| 11. Rest Area Patrol – Fund mileage for existing vehicles, additional vehicles, equipment, and overtime pay for enforcement officers. | 3,244,834 |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital**

| **Department of Transportation** (Continued) | 1994–95 |
|---|---|
| **Division of Motor Vehicles** (Continued) | |
| 12. Increased Attorney General fee – Pay for the attorney services needed by DMV for workload related to the Driver License Section. | 25,000 |
| 13. Automation Training for Driver License Employees – Fund the training of 400 Driver License employees on new Driver License Computer system. | 120,000 |
| 14. Increased Costs for Photo Equipment – Fund the increased costs associated with the Driver License Section's contract for photographic equipment. | 189,000 |
| 15. Branch Agent fees – | |
| a) Fund a budget shortage based on increased number of transactions completed by branch agents. | 500,000 |
| b) Increase the branch agent transactionrate from 92 cents to $1.00. | 627,968 |
| 16. One Stop Shop – Fund a pilot program to streamline and improve all motor carrier agency operations and allow carriers to obtain all credentials from one location. | $151,326 (1) |
| 17. Emissions Program Computer Matching System – Establish system to ensure that the state will meet it's mandated Inspection and Maintenance requirements. | 230,000 |
| 18. DMV Computers – Fund computers used for compliance with federal diesel fuel tax requirements. | 139,000 |
| **Total – DMV** | **$5,477,128** |
| **Other State Agencies –** | |
| 19. Fuel Tax Positions – Fund two fuel tax evasion positions in the Department of Revenue. | 71,968 (3) |
| 20. Leaking Underground Storage Tanks – Increase funds for the LUST Trust Fund in the Department of Environment, Health and Natural Resources due to increasein gasoline sales. | 928,032 |
| 21. Funds for Highway Patrol – Fund the removal of leaking underground storage tanks and provide for facility renovations in the Highway Patrol. | 500,000 |
| 22. North Carolina Global Transpark Authority – Fund an environmental impact assessment, advance planning, and local projects. | 2,870,000 |
| **Total – Other State Agencies** | **$4,370,000** |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital Department of Transportation** (Continued) 1994–95

| | |
|---|---|
| **Reserves** | |
| 23. Compensation Increase – Fund compensation increases for state employees whose salaries are paid from the Highway Fund. | $18,000,000 |
| 24. Battery Dump – Fund the Highway Fund share of clean up of battery dump on US Highway 601. ($35,000 will need to be funded from the General Fund) | 115,000 |
| **Total – Reserve** | **$18,115,000** |
| **Total Expansion Budget** | **$54,633,315** |
| | (4) |
| **Funds Available for Expansion/Capital** | **$5,316,685** |

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(Pages 79–81)

**CAPITAL IMPROVEMENTS/GENERAL FUND**

| | |
|---|---|
| **GENERAL ASSEMBLY** (Total) | **6,200,000** |
| 1. Complete Renovation of HVAC System | 6,200,000 |
| **DEPARTMENT OF ADMINISTRATION** (Total) | **52,034,500** |
| 1. Reserve for Repairs/Renovation of the Old Education and Revenue Buildings | 20,000,000 |
| 2. Natural Science Museum and Wet Lab Collection | 30,934,500 |
| 3. Construction of New 90–Bed Boot Camp | 1,100,000 |
| **DEPARTMENT OF AGRICULTURE** (Total) | **11,479,600** |
| 1. Eastern North Carolina Agricultural Center – Phase I Completion | 3,600,000 |
| 2. Cattle and Livestock Exposition Center | 7,379,600 |
| 3. Dairy Milking Parlor – Umstead Research Station – Supplement | |
| Requirements | $387,000 |
| Timber Receipts | 387,000 |
| State Appropriation | |
| 4. Southeastern Farmer's Market – Development | 500,000 |
| **UNIVERSITY – BOARD OF GOVERNORS** (Total) | **51,503,600** |
| 1. UNC–Chapel Hill – Planning funds for Law School | 1,000,000 |
| 2. UNC–Chapel Hill – Institute of Government – Renovation Planning | 700,000 |
| 3. UNC–Chapel Hill – Renovate Hill Hall | 1,700,000 |
| 4. UNC–Chapel Hill – School Leadership Academy Facility – Planning | 200,000 |
| 5. N. C. State University – Centennial Center | 13,000,000 |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital Capital Improvements/General Fund** (Continued)

| **UNC Board of Governors** (Continued) | | 1994–95 |
|---|---|---|
| 6. N. C. State University – Agricultural Extension – Planning and Construction of 4–H Youth Development Center – Northeastern North Carolina | | 5,000,000 |
| 7. UNC–Asheville – Conference Center | | 500,000 |
| 8. UNC–Asheville – Kellogg Center | | 500,000 |
| 9. UNC–Charlotte – Library Planning Funds | | 900,000 |
| 10. UNC–Greensboro – University Center | | 6,000,000 |
| 11. School of the Arts – Student Activities Center | | 4,500,000 |
| 12. School of the Arts – Film School | | 2,000,000 |
| 13. East Carolina University – Life Sciences Building | | 12,340,000 |
| 14. Winston–Salem State University – Addition F. L. Aikens Building | | 2,363,600 |
| 15. Fayetteville State University – Fine Arts Center Planning | | 300,000 |
| 16. Western N. C. Arboretum | | 500,000 |
| **DEPARTMENT OF COMMUNITY COLLEGES** (Total) | | **300,000** |
| 1. Center for Applied Textile Technology – Renovations ($122,500), Parking and Site Improvements ($177,500) | | 300,000 |
| **DEPARTMENT OF CULTURAL RESOURCES** (Total) | | **14,970,000** |
| 1. Fort Fisher State Historic Site Erosion Control Measures | | |
| Requirements | $8,340,000 | |
| Receipts–Federal | 4,170,000 | |
| State Appropriation | | 4,170,000 |
| 2. Elizabeth II State Historic Site | | 10,000,000 |
| 3. Spencer Shops | | 300,000 |
| 4. Museum of the Cape Fear – Branch of the State Museum of History | | 500,000 |
| **DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES (Total)** | | **23,924,000** |
| 1. North Carolina Aquariums – Planning | | 950,000 |
| 2. Water Resources (Civil Works) Development Projects | | 2,000,000 |
| 3. Wilmington Harbor Ocean Bar Deepening | | 10,906,000 |
| 4. Falls Lake Recreation/Jordan Water Supply – Repayment | | 9,527,000 |
| 5. Bulkhead Project – Town of Oriental | | 91,000 |
| 6. Forestry Headquarters Building and Land – Union County | | 450,000 |

**S.B. 1505** (PCS–4777) **Budget Modifications Expansion/Capital Capital Improvements/General Fund** (Continued) 1994–95

| | |
|---|---|
| **DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY** (Total) | **125,000** |
| 1. Beulaville Armory – Renovations | 100,000 |
| 2. Warsaw Armory – Renovations | 25,000 |
| **TOTAL CAPITAL IMPROVEMENTS/GENERAL FUND** | **$160,536,700** |

## HIGHWAY FUND

| | |
|---|---|
| **DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY** | |
| 1. Highwy Patrol Funds are recommended to provide for the removal of leaking underground storage tanks and also to provide for facility renovations. | 500,000 |
| **TOTAL HIGHWAY FUND** | **$500,000** |

**S.B. 1505** (Proposed Conference Committee Substitute PCCS 5852)
**July 16, 1994** — see page 595

**SENATE AND HOUSE**
**CONFERENCE REPORT**
**BASE BUDGET REDUCTIONS**
**AND**
**EXPANSION BUDGET**

**JULY 16, 1994**

S/George B. Daniel, *Chairman*
S/Aaron W. Plyler, *Chairman*
S/Martin L. Nesbitt, *Chairman*
S/David H. Diamont, *Chairman*

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**TOTAL GENERAL FUND BUDGET FOR 1994–95**

| | CURRENT | CAPITAL | TOTAL |
|---|---|---|---|
| 1993 Session | $9,016,344,686 | — | $9,016,344,686 |
| Crime Session | 193,153,009 | 36,625,400 | 229,778,409 |
| Subtotal | 9,209,497,695 | 36,625,400 | 9,246,123,095 |
| 1994 Session | 809,53,482 | 152,766,050 | 962,301,532 |
| TOTAL | $10,019,033,177 | $189,391,450 | $10,208,424,627 |

(Page i)

**SAVINGS**
**(in Millions)**

| | |
|---|---|
| 1992–93 Savings Reserve Balance (Net after pay date restoration to June 30, 1994) | $54.5 |
| 1993–94 Savings Reserve Transfer from Credit Balance | $148.0 |
| 1994–95 Reserve for Future Tax Relief | $28.1 |
| 1994–95 Direct Appropriation to Savings Reserve | $66.7 |
| Subtotal | $297.3 |
| Pay Day Restoration (Teachers' Twelfth Pay Period) | $120.0 |
| Repair/Renovation Reserve from 1993–94 Credit Balance | $60.0 |
| Subtotal | $180.0 |
| **GRAND TOTAL** | **$477.3** |
| **OTHERS**: | |
| School Technology Reserve (Sec. 85) — To be spent in accordance with legislation enacted by the 1995 General Assembly | $42.0 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
(Page ii)

**CONFERENCE REPORT FOR SENATE BILL 1505**
**SUMMARY OF SALARY INCREASES**

| TYPE OF EMPLOYEE | Salary – % Increase | Bonus |
|---|---|---|
| Governor | 4.1%<br>$97,600 Salary | 1% |
| Council of State | 12.6%<br>$87,000 Salary | None |
| Department Heads | 10%<br>$85,000 Salary | None |
| Executive Officials | 4% | 1% |
| General Assembly Members | 5%<br>$118,000 Cost | None |
| Principal Clerks | 13%<br>$54,000 Salary | None |
| Legislative Employees | 4%<br>$369,407 Cost | 1%<br>$96,046 Cost |
| UNC–SPA Employees | 4%<br>$13,426,652 Cost | 1%<br>$3,490,930 Cost |
| SPA State Employees | 4%<br>$44,845,039 Cost | 1%<br>$11,660,610 Cost |
| EPA State Employees | 4%<br>$236,491 Cost | 1%<br>$61,488 Cost |
| Judicial Officials | | None |
| Chief Justice, Supreme Court | $97,600 – 4.1% | Except Chief Justice |
| Associate Justice, Supreme Court | $96,000 – 4.5% | of Supreme Court |
| Chief Judge, Court of Appeals | $93,600 – 5.3% | |
| Judge Court of Appeals | $92,000 – 5.8% | |
| Judge, Sr. Regular Resident Superior Court | $89,500 – 12.1% | |
| Judge, Superior Court | $87,000 – 12.6% | |
| Chief Judge, District Court | $79,000 – 15.7% | |
| Judge, District Court | $76,500 – 16.5% | |
| District Attorney | $80,600 – 12.0% | |
| Administrative Officer of the Court | $89,500 – 12.1% | |
| Asst. Administrative Officer of the Court | $75,160 – 15.3% | |
| Public Defender | $80,600 – 12.0% | |
| Over and Above 4% | $3,365,153 Cost | |
| Clerks of Court | | None |
| Clerk of Court – Less Than 100,000 | $57,670 – 19.2% | |
| Clerk of Court – 100,000 To 149,999 | $64,780 – 18.6% | |
| Clerk of Court – 150,000 To 249,000 | $71,890 – 15.5% | |
| Clerk of Court – 250,000 And Above | $79,000 – 15.7% | |
| Over and Above 4% | $1,092,842 Cost | |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**Summary of Salary Increases** (Continued)

| TYPE OF EMPLOYEE | Salary – % Increase | Bonus |
|---|---|---|
| Other Judicial Employees | 4%<br>$7,881,094 Cost | 1%<br>$2,071,295 Cost |
| Asst. Clerks/Deputy Clerks | 2% + 4.5% | 1% |
| Bookkeepers<br>Over and Above 2% + 4.5% | 9%<br>$161,500 Cost | |
| Magistrates – New Salary Plan<br>Over and Above 4% | –<br>$860,000 Cost | 1%<br>$5,135 Cost |
| Community College Staff | 4%<br>$7,417,257 Cost | 1%<br>$1,928,501 Cost |
| Community College Cir. Faculty | 4% + 4%<br>$16,805,720 Cost | 1%<br>$2,184,744 Cost |
| UNC–Regular EPA | 4%<br>$7,860,564 Cost | 1%<br>$2,043,747 Cost |
| UNC–EPA Faculty | 4% + 2%<br>$32,151,084 Cost | 1%<br>$5,572,854 Cost |
| School Teachers<br><br><br>Salary Schedule | 5% Under 3 Years<br>5% Over 30 Years<br>7% Over 3 Years<br>$128,000,000 Cost | None |
| Principal/Asst. Principals | Average 9%<br>$12,100,000 Cost | None |
| School–Certified Central Office | 4%<br>$3,435,208 Cost | 1%<br>$893,154 Cost |
| Schools–Non–Certified | 4%<br>$17,801,324 Cost | 1%<br>$4,628,344 Cost |
| School Bus Drivers | 4% + 4.6%<br>$6,516,576 Cost | 1%<br>$784,310 Cost |
| Senate Bill 2 – Differentiated Pay<br>Certified Employees | 1%<br>$19,000,000 Cost | |
| Senate Bill 2 – Differentiated 2%<br>Noncertified Employees | <br>$10,408,950 Cost | |
| Subtotal Differentiated Pay Fund | $29,408,950 | $0 |
| **General Fund** | **$334,499,168** | **$35,421,158** |
| Highway Employees | 4%<br>$14,400,000 Cost | 1%<br>$3,600,000 Cost |
| Highway Patrol<br>Not at Maximum<br>At Maximum | <br>4% + 4%<br>4% | <br>1%<br>1% |
| **Highway Fund** | **$14,400,000** | **$3,600,000** |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
(Pages 1–2)

**1994–95 POSITION CHANGES IN BUDGET BILL: STATE AND NON–STATE EMPLOYEES**

| Agency | New Positions | Positions Cut | Total New Positions |
|---|---|---|---|
| General Government | | | |
| Administration | 13 | –8 | 5 |
| Auditor | 19 | 0 | 19 |
| Controller | 30 | –2 | 28 |
| Cultural Resources | 5 | –3.5 | 1.5 |
| Governor | 3 | 0 | 3 |
| State Budget | 2 | –1 | 1 |
| State Planning | 4 | 0 | 4 |
| Insurance | 11 | 0 | 11 |
| Revenue | 50 | –4 | 46 |
| Secretary of State | 6 | –1 | 5 |
| Treasurer | 1 | –1 | 0 |
| Board of Elections | 4 | 0 | 4 |
| Subtotal General Government | 148 | –20.5 | 127.5 |
| Education | | | |
| Department of Public Instruction | 0 | –3 | –3 |
| Public School Fund | 1,154 | 0 | 1,154 |
| Community Colleges | 1 | –33 | –32 |
| UNC System | 73.7 | –228 | –154.3 |
| Subtotal Education | 1,228.7 | –264 | 964.7 |
| Human Resources | 269.2 | –80.47 | 188.73 |
| Justice and Public Safety | | | |
| Corrections | 239 | –26 | 213 |
| Crime Control and Public Safety | 18 | –2.25 | 15.75 |
| Justice | 18 | –4 | 14 |
| Judicial | 13 | –6.65 | 6.35 |
| Subtotal Justice and Public Safety | 288 | –38.9 | 249.1 |
| Natural and Economic Resources | | | |
| Agriculture | 35 | –7.5 | 27.5 |
| Commerce | 32 | –11 | 21 |
| Environment, Health and Natural Resources | 63 | –53.3 | 9.7 |
| Labor | 30 | –1 | 29 |
| Subtotal Natural and Economic Resources | 160 | –72.8 | 87.2 |
| **TOTAL GENERAL FUND** | **2,093.9** | **–476.67** | **1,617.23** |
| Less Public Schools and Community Colleges | 1,154 | –30 | 1,124 |
| **Net General Fund State Position** | **939.9** | **–446.67** | **493.23** |
| HIGHWAY FUND | | | |
| Transportation | 1 | –55 | –54 |
| Crime Control and Public Safety | 45 | 0 | 45 |
| Revenue | 3 | 0 | 3 |
| **TOTAL HIGHWAY FUND** | **49** | **–55** | **–6** |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
(Pages 3–5)

**CONFERENCE REPORT SUMMARY**

| | Recurring | | | Non–Recurring | | |
|---|---|---|---|---|---|---|
| | Increases | Reductions* | Net Change | Increases | Reductions | Net Change |
| **DEPARTMENTS** | | | | | | |
| **Education** | | | | | | |
| Public Education | | | | | | |
| Career Development | — | (8,176,938) | (8,176,938) | 8,176,938 | — | 8,176,938 |
| SB2 Shift to Salary Increase | — | (38,827,392) | (38,827,392) | — | — | — |
| SB2 1% Funding | — | — | — | 19,400,000 | — | 19,400,000 |
| Other | 60,459,643 | (22,445,146) | 38,014,497 | 48,865,405 | — | 48,865,405 |
| **Total Pub.–Ed.** | **60,459,643** | **(69,449,476)** | **(8,989,833)** | **76,442,343** | — | **76,442,343** |
| **University** | 27,834,562 | (21,033,987) | 6,800,575 | 15,691,519 | (161,642) | 15,529,877 |
| Community Colleges | 18,679,299 | (9,115,633) | 9,563,666 | 13,208,500 | — | 13,208,500 |
| **Subtotal–Educ.** | **106,973,504** | **(99,599,096)** | **7,374,408** | **105,342,362** | **(161,642)** | **105,180,720** |
| **General Government** | | | | | | |
| Administration | 1,697,272 | (1,309,494) | 387,778 | 62,545 | — | 62,545 |
| Office of St. Planning | 184,536 | — | 184,536 | — | — | — |
| Office of State Budget | 93,342 | (56,253) | 37,089 | — | — | — |
| Special Appropriations | — | — | — | 7,397,500 | — | 7,397,500 |
| Insurance | 1,266,791 | (120,000) | 1,146,791 | — | — | — |
| Revenue | 5,377,518 | (357,326) | 5,020,192 | 5,180,776 | — | 5,180,776 |
| State Controller | 2,903,007 | (554,163) | 2,348,844 | 12,000,000 | — | 12,000,000 |
| Office of Governor | 217,085 | (22,107) | 194,978 | — | — | — |
| Cultural Resources | 497,741 | (210,314) | 287,427 | 4,067,500 | — | 4,067,500 |
| General Assembly | 3,131,250 | — | 3,131,250 | 4,010,000 | — | 4,010,000 |
| Secretary of State | 229,931 | (63,319) | 166,612 | — | — | — |
| State Auditor | 701,766 | — | 701,766 | 387,130 | (6,400) | 380,730 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**Conference Report Summary** (Continued)

| | Recurring | | | Non–Recurring | | |
|---|---|---|---|---|---|---|
| | Increases | Reductions* | Net Change | Increases | Reductions | Net Change |
| **General Government** (Continued) | | | | | | |
| Board of Elections | 319,421 | (23,280) | 296,141 | 1,657,500 | — | 1,657,500 |
| Treasurer | 2,835,000 | (71,910) | 2,763,090 | | | |
| **Subtotal – General Government** | **19,454,660** | **(2,788,166)** | **16,666,494** | **34,762,951** | **(6,400)** | **34,756,551** |
| *Includes vacant position deletions | | | | | | |
| **Justice & Public Safety** | | | | | | |
| Judicial | 6,506,948 | (2,015,561) | 4,491,387 | 5,387,990 | — | 5,387,990 |
| Correction | 1,783,404 | (6,940,949) | (5,157,545) | 1,839,639 | (3,500,000) | (1,660,361) |
| Justice | 901,721 | (536,954) | 364,767 | 789,565 | — | 789,565 |
| Crime Control | 1,804,221 | (206,369) | 1,597,852 | 709,662 | — | 709,662 |
| **Subtotal – Justice & Pub. Safety** | **10,996,294** | **(9,699,833)** | **1,296,461** | **8,726,856** | **(3,500,000)** | **5,226,856** |
| **Human Resources** | 96,972,190 | (108,927,613) | (11,955,423) | 12,265,167 | — | 12,265,167 |
| **Natural & Econ. Resources** | | | | | | |
| Agriculture | 2,262,114 | (411,348) | 1,850,766 | 650,000 | — | 650,000 |
| Commerce | 6,733,017 | (522,491) | 6,210,526 | 18,785,509 | — | 18,785,509 |
| Microelectronics C. | 3,900,000 | — | 3,900,000 | — | — | — |
| Biotechnology Center | 1,000,000 | — | 1,000,000 | 1,000,000 | — | 1,000,000 |
| Rural Economic Dev. | 2,100,000 | — | 2,100,000 | 5,675,000 | — | 5,675,000 |
| Technological Dev. Authority | — | — | — | 1,250,000 | — | 1,250,000 |
| **Environment Health & Natural Resources** | 10,130,902 | (6,909,030) | 3,221,872 | 8,106,546 | — | 8,106,546 |
| **Labor** | 959,187 | (188,049) | 771,138 | 761,050 | — | 761,050 |
| Housing Finance | — | — | — | 5,150,000 | — | 5,150,000 |
| **Subtotal – NER** | **27,085,220** | **(8,030,918)** | **19,054,302** | **41,378,105** | **—** | **41,378,105** |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**Conference Report Summary** (Continued)

| | Recurring | | | Non–Recurring | | |
|---|---|---|---|---|---|---|
| | Increases | Reductions* | Net Change | Increases | Reductions | Net Change |
| **Reserves/Other:** | | | | | | |
| Debt Service | 25,723,695 | — | 25,723,695 | — | — | — |
| Salary Adjustment Fund | 500,000 | — | 500,000 | — | — | — |
| OSHA–Bloodborne Path. | — | — | — | 1,000,000 | — | 1,000,000 |
| Match Statewide Prog. | — | — | — | 3,000,000 | — | 3,000,000 |
| Reserve for Retirees | — | (16,318) | (16,318) | — | — | — |
| Subsistence Increase | 1,600,000 | — | 1,600,000 | — | — | — |
| Reserve for Voter Reg. | — | — | — | 1,000,000 | — | 1,000,000 |
| Education Technology | — | — | — | 42,000,000 | — | 42,000,00 |
| Justice/Human Resources Record Check of Day Care Providers | 250,000 | — | 250,000 | — | — | — |
| Tort Claims | 400,000 | — | 400,000 | — | — | — |
| Compensation Incr. | [A]282,926,584 | [b](2,213,278) | 280,713,306 | 35,421,158 | — | 35,421,158 |
| **Subtotal – Reserves/ Other** | **311,400,279** | **(2,229,596)** | **309,170,683** | **82,421,158** | **—** | **82,421,158** |
| **Savings Reserve** | — | — | — | 66,700,000 | — | 66,700,000 |
| Teacher Paydate Restored | — | — | — | 120,000,000 | — | 120,000,000 |
| **Capital Improvements** | — | — | — | 152,766,050 | — | 152,766,050 |
| **GRAND TOTAL** | **572,882,147** | **(231,275,222)** | **341,606,925** | **624,362,649** | **(3,668,042)** | **620,694,607** |

[A]/ Includes $38.8 million shifted from Senate Bill 2
[b]/ Includes adjustment to expansion increases related to the deletion of vacant positions.

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**

(Pages 6–11)

**DEPARTMENT OF PUBLIC INSTRUCTION**

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 1. **National Board for Professional Teaching Standards** — | | | |
| (a) Pay the NBPTS certification exam fee ($975) for North Carolina teachers who elect to seek certification. Also provide for up to three days of paid leave for teachers who participate in the process in FY 1994–95. | $200,000 | $200,000 | $200,000 |
| (b) 4% salary bonus. This percentage is equivalent to two steps on the teacher salary schedule for individuals who have already taken the exam in FY 1994–95 and received national certification. | 300,000 NR | 300,000 NR | — |
| 2. **Teacher Academy** — Provide funding for the North Carolina Teacher Academy beginning in FY 1994–95. Training sessions will be provided with these funds in July and August of 1994 and June of 1995. | 3,800,000 | 3,800,000 | 3,800,000 |
| 2a. Support for a one–time increase in the slots for all sessions during FY 1994–95. | 375,000 NR | — | 750,000 NR |
| 3. **Low Wealth Supplemental Funding** — Increase amount of low wealth supplemental funding for FY 94–95. Total funding FY 1994–95 under this proposal would now be $35,000,000. (SB 1502) | 7,000,000 | 7,000,000 | — |
| 4. **Small School Supplemental Funding** — Increase funding for small school supplemental funding for FY 1994–95. Total funding for FY 1994–95 under this proposal would be $14,000,000. | 3,000,000 | 3,000,000 | — |
| 5. **Basic Education Program Funding** | | | |
| (a) Provide teachers and teacher assistants to reduce class size in kindergarten (493 teachers, 493 teacher assistants). Allotment ratio of 1:23 | 26,320,319 | — | 26,320,319 |
| (b) Provide teacher to reduce class size in grade 10 (266 teachers). Allotment ratio 1:26. | — | — | 9,217,698 |
| (c) Fund school psychologists, social workers, and guidance counselors in grades K–8. (268 positions) | 10,000,000 | — | 10,000,000 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF PUBLIC INSTRUCTION**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| (d) Textbooks – Increase appropriation so as to restore textbook funding to 1985 purchasing power. This completes funding of textbooks for the Basic Education Program. | 9,536,119 NR | — | 9,536,119 NR |
| (e) BEP positions adjusted for small city school systems below 3,000 average daily membership | 750,000 | — | 750,000 |
| **TOTAL BASIC EDUCATION PROGRAM** | **$46,606,438** | — | **$55,824,136** |
| 6. **Willie M. Program** — Provide funding for educational services to additional Willie M. Class members. | 531,037 | 531,037 | 531,037 |
| 7. **Instructional Supplies and Materials** — Provide additional funding for instructional supplies and materials in local school systems. | 3,650,000 NR | 3,650,000 NR | 3,650,000 NR |
| 8. **School Bus Replacement** — Funding to continue replacing school buses on a 13 year schedule. | 22,630,288 NR | 22,630,288 NR | 24,000,000 NR |
| 9. **Education Commission of the States, Southern Regional Education Board, Council of Chief State School Officers** — Increase funds for participation in these national and regional commissions. | — | — | 25,000 NR |
| 10. **Education Technology** — Provides funding to begin implementation of the recommendations of the School Technology Commission. Funds will not be expended by local school systems until the General Assembly reviews and approves the State plan in 1995. Funds are appropriated to reserve in the Office of State Budget and Management, $42,000,000 NR. | — | 10,000,000 NR | 20,000,000 NR |
| Continuation funding for the Education Technology Commission. | 100,000 NR | 100,000 NR | 100,000 NR |
| 11. **Differentiated Pay/Noncertified Personnel** | | | |
| (a) Provides funding for differentiated pay for non–certified personnel in all schools, including Career Development System. Legislation to allow participation of non–certified personnel in differentiated pay plans was passed by the 1993 session of the General Assembly. | 10,408,950 NR | 10,408,950 R | 10,408,950 NR |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF PUBLIC INSTRUCTION**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| (b) Move differentiated pay funding from recurring to non–recurring | (38,827,392) | — | (38,827,392) R<br>38,827,392 NR |
| (c) Add differentiated pay funding from non–recurring funds | 19,400,000 | — | — |
| (d) Move Career Development funding from recurring to non–recurring | (8,176,938) R<br>8,176,938 NR | —<br>— | (20,442,345) R<br>20,442,345 NR |
| 12. **Average Salary Adjustment** — Adjust average budgeted salaries to conform with actual salaries as of December, 1994. | (15,997,461) | (15,997,461) | (15,997,461) |
| 13. **Average Daily Membership Adjustment** | (6,329,472) | — | (6,329,472) |
| 14. **Outward Bound** — Funding for a plan to provide a summer program to students from four school systems in Western North Carolina. Also provides Outward Bound Program for teaching fellows with middle school certification, and teacher staff development. | — | 250,000 | — |
| 15. **Total Quality Education** — Appropriates funds to the North Carolina Business Committee on Education to provide Total Quality Education Training to 20 local school systems. The Business Committee will select the school systems that participate. | — | 750,000 NR | — |
| 16. **School–to–Work Transition** — Appropriates funds for demonstration sites for model school–to–work programs. | — | 1,000,000 NR | — |
| 17. **Fund Pilot CHIPS Program** — Fund pilot CHIPS Program in Hertford County to improve the instructional program in the county school system. (SB 1589/HB 1665) | 335,000 | 669,712 NR | — |
| 18. **North Carolina Information Highway** | | | |
| a. Grant Program – Funding for the North Carolina Information Highway Grant Program to 24 North Carolina local school administrative units. The State Board of Education will make grants to low wealth and small school systems to improve student performance. | —<br>— | 3,000,000 NR<br>792,000 | —<br>— |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF PUBLIC INSTRUCTION**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| b. Evaluation by an outside researcher selected by the State Board of Education of the resulting student performance of the North Carolina Information Highway Grant Program. | — | 200,000 NR | — |
| 19. **Litigation Reserve** | 150,000 NR | 150,000 NR | 150,000 NR |
| 20. **Exceptional Children** | | | |
| (a) Appropriate $418.76 per child for 2,252 handicapped children in school systems that are above the 12.5% funding cap. | 943,048 NR | 943,048 NR | 943,048 NR |
| (b) Increased funding because of additional children in the April, 1994 headcount of exceptional children. | 1,229,472 R | Provision | 1,229,472 R |
| 21. **Tech Prep** | — | — | 1,250,000 NR |
| 22. **Cued Speech, Inc.** — Continue funding at 1993–94 level (HB 1627). | 95,000 NR | — | 95,000 NR |
| 23. **Substitute Teacher Pay** — Increase of $5 per day for each classification. | 3,398,815 R | — | 6,797,630 R |
| 24. **Bus Drivers** — Increase in average hourly wage rate | 3,500,000 R | — | 3,500,000 R |
| 25. **Study of School Lunch Data** — Study of reduced and free school lunch data to determine its validity as a measure of family income. | 50,000 NR | — | 50,000 NR |
| 26. **Teach American Ethics** — Funding to implement program in the public schools. | 25,000 NR | — | 25,000 NR |
| 27. **Tort Claim Changes** — Increase tort claim limit. | 600,000 R | — | 600,000 R |
| 28. **Administrative Allotment Adjustment** — Adjust administrative allotment for three city systems of less than 2,000 average daily membership. | 130,000 | — | 130,000 |
| 29. **Academic Support Program** — Pilot program for middle school and high school age students who are involved with the court system. | 117,000 | — | 117,000 NR |
| 30. **McSmiles Program** — Continue program at FY 1993–94 level (HB 1832). | 50,000 NR | — | 50,000 NR |
| 31. **Parents as Teachers Program** — Funding for pilot program in Wake and Rutherford Counties for FY 1994–95. | 100,000 NR | — | 100,000 NR |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF PUBLIC INSTRUCTION**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **TOTAL — RECURRING** | **($8,989,833)** | **$9,984,526** | **($18,520,514)** |
| **NON–RECURRING** | **$76,442,343** | **$43,393,048** | **$130,819,854** |

(Pages 12–16)

| **UNC BOARD OF GOVERNORS** (Continued)** | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 21. N.C. State University — Agricultural Extension — Betsy Jeff Penn 4–H Camp Improvements | 25,000 NR | 25,000 NR | 25,000 NR |
| 22. Legislative College Opportunity Act Scholarships —Funds to experiment with guaranteeing freshmen tuition and fees to public school students who might not be expected to attend college | 800,000 NR | — | 1,600,000 NR |
| 23. Faculty Development and Research Fund — Funds to help retain top faculty on UNC campuses | 1,000,000 NR | — | 1,500,000 NR |
| 24. N.C. Central University — Institute for the Study of Minority Issues. Funds are for the work of the Institute. | 150,000 NR | — | 50,000 NR |
| 25. Social Workers Education Loan Fund — Educational loans for social work students for future employment in local departments of social services (HB 1327) | 150,000 | — | 150,000 |
| 26. N.C. A&T State — Research relating to lithium ion rechargeable secondary batteries (HB 1757). | 300,000 NR | — | — |
| 27. N.C. School of the Arts — Film Production Technology | 1,800,000 NR | 2,000,000 NR | — |
| **TOTALS (WITHOUT STATEWIDE SALARY INCREASE)** | | | |
| **RECURRING** | **$11,794,668** | **$8,401,001** | **$13,211,971** |
| | ~~**$13,729,877**~~ | ~~**$12,881,527**~~ | **$11,903,227** |
| **NON–RECURRING** | **$15,529,877** | **$14,881,527** | **$11,903,227** |
| 1. Enrollment Changes — | | | |
| (a) Reduce funding for 94–95 enrollment based on revised projections | ($11,806,778) | ($11,806,778) | ($11,806,778) |
| (b) Equalize credit hour funding for Appalachian State summer school | 171,946 | 171,946 | 171,946 |
| Net Enrollment Changes | (11,634,832) | (11,634,832) | (11,634,832) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**UNC BOARD OF GOVERNORS**

| | (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|---|
| 2. | **UNC Schedule of Priorities** — Funds for schedule items (Library network and acquisitions) computing, new degree programs, other items) | 8,016,909 | 8,016,909 | 8,016,909 |
| | | 8,614,869 NR | 8,614,869 NR | 8,614,869 NR |
| 3. | **Agricultural Programs** — | | | |
| | (a) Funds for expansion of agricultural research and extension programs at N.C. State | 800,000 | 800,000 | 800,000 |
| | | 200,000 NR | — | 200,000 NR |
| | (b) Develop Agricultural and Aquacultural Export Market Development Center at N.C. State Research Station near Global TransPark Facility | | 450,000 | — |
| | | 720,000 NR | 1,440,000 NR | |
| | (c) Provide state funds to enhance agricultural research and extension programs at N.C. A&T State (SB 1446) | 450,000 | 450,000 | 450,000 |
| | (d) Funds to add a faculty position specializing in small horticultural crops specializing in strawberries at N.C. State (HB 1534) | 100,000 | — | 100,000 |
| | (e) Funds to add a faculty position in soil science at N.C. State. Position will be located at the Tidewater Research Station (HB 1601) | 100,000 | — | 100,000 |
| | (f) Funds to provide Extension Service support for the meat goat industry (HB 2062) | 200,000 | — | 200,000 |
| | (g) Fund specialist position for Mountain Conifer industry to be located at Fletcher, NC (HB 1617) | 70,000 | — | 70,000 |
| 4. | **N.C. School of Science and Math** — Initiate a distance learning outreach effort | 350,000 | 350,000 | 350,000 |
| 5. | **Incentive Scholarship Program for Native Americans** — Creates new scholarship program and combines with American Indian Legislative Scholarship Grants (HB 1603) | 390,000 | 57,000 | 390,000 |
| 6. | **Minority Presence Grants** — Additional funds to provide eligibility for other minority groups | 150,000 | 150,000 | — |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**UNC BOARD OF GOVERNORS**
(Continued)

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 7. **Continuation Budget Adjustments** | | | |
| a. **ECU Receipts:** Budget projected medical school receipts | (180,000) | (180,000) | (180,000) |
| b. **UNC–C:** Building reserve for operation of Friday Building | 57,988 | 57,988 | 57,988 |
| c. **Pembroke State:** Reserve for operation of new Administration Building | 39,281 | 39,281 | 39,281 |
| d. **N.C. Arboretum:** Reserve for new facilities operations | 250,000 | 250,000 | 483,970 |
| e. **UNC–CH:** Reduce reserve for operation of Social Work building due to delay in completion date | (161,642) NR | (161,642) NR | (161,642) NR |
| f. **Fayetteville State:** Additional funds for increase in military tuition waivers | 100,000 | 100,000 | 100,000 |
| g. **Overhead Receipts:** Budget General Fund portion of new estimate | (497,889) | (497,889) | (497,889) |
| h. Reduction in Operating Budgets: Reduce funds based on Governor's 1% SPA position cut | (3,555,227) | (3,555,227) | (3,555,227) |
| i. **UNC–CH**; Additional operating support for Smith Center | 400,000 NR | 400,000 NR | — |
| 8. **Aid to Students Attending Private Colleges** — Increase Legislative Tuition Grant from $1,150 to $1,250 annually and increase the need–based Contractual Scholarship Program from $450 to $550 per full–time equivalent student | 4,000,000 | 4,000,000 | 4,000,000 |
| 9. **UNC–CH Educational Consortium** — Fund on a par with seven other consortium programs (SB 1427/HB 1586) | 150,000 | 150,000 | 150,000 |
| 10. **Center for Gerontology** — Provide program planning funds for inter–institutional center | 50,000 NR | 100,000 NR | — |
| 11. **Infection Control** — Provide funds to enable UNC–CH School of Medicine to provide technical assistance and training to health care facilities (HB 1611/SB 1306) | 75,000 NR | 75,000 NR | 75,000 NR |
| 12. **Salary Increase** — 2.0% average salary increase for **teaching faculty** to assure competitiveness | 10,704,438 | 8,037,771 | 12,037,771 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**UNC BOARD OF GOVERNORS**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 12a. **Competitive Industries** — (SB 1593/HB 1856) Provides funds for: Nonwovens Textile Center – $300,000 Pulp and Paper Technology – $360,000 Furniture Manufacturing – $500,000 Agricultural Education – $200,000 | 1,360,000 | 1,360,000 | 1,360,000 |
| 13. **Study of Fisheries Resources and Management Structure** — Provide funds for the Cooperative Institute for Fisheries Oceanography to study fisheries resources and management | 225,000 NR | 225,000 NR | — |
| 14. **Chinqua–Penn Plantation** Reserve for renovations and operations (SB 1376/HB 1593) | 181,650 NR | 363,300 NR | — |
| 15. **UNC–Charlotte** — Ben Craig Center | 150,000 NR | 300,000 NR | — |
| 16. **School of the Arts** — Multi–Media Imaging Technology Institute | 500,000 NR | 1,000,000 NR | — |
| 17. **Winston–Salem State University** — Piedmont Triad Engineering and Research Center Grant | 500,000 NR | 500,000 NR | — |
| 18. **Nurse Scholars Program/Education Nurse Scholarship Loan Program** — Provide one clerical position to the State Education Assistance Authority to help administer these programs | 24,000 | — | 24,000 |
| 19. **Legislator's Summer Leadership School** — Add $25,000 each to programs at Western Carolina and East Carolina which serve rural youth each summer (HB 1924) | 50,000 | — | 50,000 |
| 20. **Summer Ventures Program** — Supplement budgets for math and science program for high school students on six campuses | 150,000 | — | 150,000 |

**See page 12 for totals for UNC Board of Governors

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(Pages 17–19)
**DEPARTMENT OF COMMUNITY COLLEGES**

| | | | |
|---|---|---|---|
| 1. **Work Force Preparedness:** A. **Competitive Salary Levels for Curriculum Faculty** — These funds would provide an average additional 4% salary increase to curriculum faculty to recruit and retain a core of outstanding faculty at competitive salary levels. | $8,402,860 | $8,402,860 | $8,402,860 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF COMMUNITY COLLEGES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| B. **Equipment** — Funds to purchase equipment at all 58 community colleges. | 10,800,000 NR | 10,800,000 NR | 10,800,000 NR |
| C. **Books** — Funds for book purchases at all community colleges to help meet accreditation requirements. | 2,200,000 NR | 2,200,000 NR | 2,200,000 NR |
| D. **Complete the Human Resource Development Program (HRD)** — **Currently 44 of the 58** community colleges have an HRD program. These funds will provide a program at the remaining 14 colleges.<br><br>The program assists public assistance recipients with skills that help them get jobs and reduce public assistance costs. | 1,408,554 | 1,408,554 | 1,408,554 |
| E. **Specialized Technology Centers** — Funds to expand the Center for Applied Textile Technology ($300,000) and enhance the training at the six regional law enforcement training centers ($242,885). | 542,885 | 542,885 | 542,885 |
| F. **Instructional Support** — The State Board of Colleges has identified a need for additional counseling and support personnel, including career development specialists, academic advisors, financial aid specialists, placement directors, employment counselors, disabled services directors, and clerical support. | 6,016,047 | 6,016,047 | 6,016,047 |
| G. **Literacy Education** — These dollars will fund full–time literacy instructors, workplace literacy sites and family literacy programs. | $1,552,712 | $1,552,712 | $1,552,712 |
| H. **Child Care Grants** — Funds are made available to assist students who are in need of child care services in order to complete their community college education. Studies show a much higher retention rate for students who have child care available. | 500,000 | 500,000 | 500,000 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF COMMUNITY COLLEGES**

| | (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|---|
| 2. | **Enrollment Decline** — Revised enrollment figures indicate a decline in full–time equivalent students for the community college system. | (8,964,210) | (8,964,210) | (8,964,210) |
| 3. | **Complete Small Business Centers** — Funds to establish small business centers at the five community colleges without them: Bladen CC, Pamlico CC, Montgomery CC, Tri–County CC (in Murphy), and Fayetteville TCC (10 months). | 231,241 | 231,241 | 231,241 |
| 4. | **Department of Community Colleges 1% Cut** — (Included in Governor's budget) | (87,265) | (87,265) | (87,265) |
| 5. | **N.C. Information Highway Community College Grant Program** — Funds to be allocated to 12 community colleges for projects demonstrating the use of broadband telecommunications technology. Conference agreement: projects are eligible to be funded from statewide reserve in the Office of the State Controller. | — | 576,000 | — |
| 6. | **Evaluation of N.C. Information Highway Community College Grant Program** — Funds to evaluate the results of the pilot project grants to the 12 community colleges selected to participate in the NCIH Community College Grant Program. | — | 100,000 NR | –0– |
| 7. | **Trustee Education Funds** (HB 1840) | 25,000 | — | 25,000 |
| 8. | **Cape Fear Community College** — Burn Pit cleanup (HB 1800). | 100,000 NR | — | 75,000 NR |
| 9. | **Wilson Tech** — Oil cleanup (HB 1714) | 108,500 NR | — | 108,500 NR |
| | **TOTAL — RECURRING** | **$9,627,824** | **$10,178,824** | **$9,627,824** |
| | **NON–RECURRING** | **$13,208,500** | **$13,100,000** | **$13,183,500** |

(Pages 20–21)

**DEPARTMENT OF ADMINISTRATION**

**State Construction Office**

| | | | | |
|---|---|---|---|---|
| 1. | (a) Add five positions to handle increased activity related to Bond Funded projects | $397,303<br>(5) | $324,303<br>(5) | $397,303<br>(5) |
| | (b) Add an Energy Specialist position | 72,429<br>(1) | 72,429<br>(1) | 72,429<br>(1) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF ADMINISTRATION**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **State Property Office** | | | |
| 2. Add staff to handle increased activity related to Bond funded projects | 144,450<br>(4) | 144,450<br>(4) | 83,139<br>(2) |
| **Facilities Management** | | | |
| 3. (a) Adjust budgeted 1994–95 electricity based upon current year's expenditure level | (491,210) | (491,210) | (491,210) |
| (b) Savings in janitorial services by changing from five–day building maintenance contracts to skip–day contracts for most buildings in government complex | (450,000) | (450,000) | (450,000) |
| 4. Governor's 1% Cut — Eliminate eight positions; reduce janitorial supplies, electricity costs. | (290,374)<br>(–8) | (290,374)<br>(–8) | (290,374)<br>(–8) |
| **Displaced Homemakers** | | | |
| 5. Continue support for grants funded in 1993–94 as non–recurring | 375,000 | 375,000 | 375,000 |
| **Domestic Violence Program** | | | |
| 6. Continue support for grants funded in 1993–94 as non–recurring | 95,433 | 95,433 | 95,433 |
| **Rape Crisis Program** | | | |
| 7. Increase community services grants | 341,200 | — | 341,200 |
| **State Personnel** | | | |
| 8. Fund four positions, including three positions recommended by GPAC | 180,407<br>62,545 NR<br>(4) | 180,407<br>150,000 NR<br>(4) | 180,407<br>62,545 NR<br>(4) |
| **Auxiliary Services** | | | |
| 9. Shift director from appropriation to receipts | (77,910) | (77,910) | (77,910) |
| **Office of ADA Coordinator** | | | |
| 10. Create new office | 91,050<br>(1) | 91,050<br>(1) | — |
| **TOTAL — RECURRING** | **$387,778**<br>**(7)** | **($26,422)**<br>**(6)** | **$235,417**<br>**(4)** |
| **NON–RECURRING** | **$62,545** | **$150,000** | **$62,545** |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**

(Page 22)

| **OFFICE OF STATE PLANNING** | **Agreed Items** | **Senate 1994–95** | **House 1994–95** |
|---|---|---|---|
| 1. Continue GPAC Performance Budgeting position | $184,536 | $184,536 | $184,536 |
| **TOTAL — RECURRING** | **$184,536** | **$184,536** | **$184,536** |
| | **(4)** | **(4)** | **(4)** |

(Pages 23–26)

**OFFICE OF STATE BUDGET AND MANAGEMENT**
**SPECIAL APPROPRIATIONS**

**Special Grants**

| | | | | |
|---|---|---|---|---|
| 1. | Lenoir County Arts Center (SB 1599) Completion of a new Arts Center/Civic Center. Locals have raised $1.2 million for project. | $200,000 NR | $300,000 NR | — |
| 2. | Greensboro Natural Science Center | — | 3,500,000 NR | — |
| 3. | Old Salem | 150,000 NR | 300,000 NR | — |
| 4. | Richmond County — Leak Street Education Center (SB 1396/HB 1677) Funds for renovation of facility for use as a facility to help at–risk children through counselling, job interview training, and computer training, provided that State funds are matched on the basis of $1.00 of non–state funds for every $1.00. | 87,500 NR | 125,000 NR | — |
| 5. | Richmond County — LLRW Site Litigation (SB 1342/HB 1678) Reimbursement to county for the net cost of defending tself. | — | 725,000 NR | — |
| 6. | Chatham County — LLRW Site Litigation (SB 1463) Reimbursement to county for the net cost of defending itself. | — | 200,000 NR | — |
| 7. | Randleman Dam Development | 1,000,000 NR | 2,500,000 NR | — |
| 8. | National Institute for Statistical Sciences | 250,000 | 2,500,000 NR | — |
| 9. | Graveyard of the Atlantic | 800,000 NR | 800,000 NR | — |
| 10. | **World Language Center** (SB 1329) — Planning funds which may be used for concept development, concept refinement, preliminary specifications and drawings, development of complete and comprehensive plan and specifications, and preliminary infrastructure development. | 500,000 NR | 1,000,000 NR | — |
| 11. | **Montgomery County** — Haltiwanger Retreat Center (SB 1341/HB 1679) Construction of an additional building. | 150,000 NR | 150,000 NR | — |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**OFFICE OF STATE BUDGET AND MANAGEMENT**
**SPECIAL APPROPRIATIONS**
(Continued)

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 12. **Battery Dump Cleanup** – Matching Funds Highway U.S. 601 | 35,000 NR | 35,000 NR | 35,000 NR |
| 13. Chatham/Wake/Richmond Counties — Grant of $100,000 each for expenses incurred as part of their participation in the licensing of the LLRW facility. (Grant increased to $250,000 each, $50,000 added for Northampton County as reimbursement for prior year's litigation. | 800,000 NR | — | 300,000 NR |
| 14. **North Carolina Hall of Honor Foundation** — Grant (HB 1805/SB 1337) | 100,000 NR | — | 100,000 NR |
| 15. **N.C. Future Farmers of America Center, Inc.** — Grant-in-aid for repairs and development to be matched by local funds on a dollar–for–dollar basis (HB 1564) | 250,000 NR | — | 250,000 NR |
| 16. **Greensboro Sports Commission, Inc.** — Funds to support the B.A.S.S. Masters (HB 1738) | 150,000 NR | — | 150,000 NR |
| 17. **Myrover–Reese Fellowship Home, Cumberland County** — Grant for construction of a regional half–way house for women (HB 1771). | 125,000 NR | — | 125,000 NR |
| 18. **Discovery Place** — (SB 1368) Grant to be matched on the basis of three local dollars for one State dollar. | 2,600,000 NR | 5,200,000 NR | — |
| 19. **Topsail Beach Economic Development Council** — (HB 1848) | 200,000 NR | — | — |
| **INCREASES — NON–RECURRING** | **$7,397,500** | **$17,335,000** | **$960,000** |
| 1. Continue GPAC Performance Budgeting positions | $93,342<br>(2) | $93,342<br>(2) | $93,342<br>(2) |
| 2. Governor's 1% Cut — Delete position to be identified | (56,253)<br>(–1) | (56,253)<br>(–1) | (56,253)<br>(–1) |
| **TOTAL — RECURRING** | **$37,089**<br>**(1)** | **$37,089**<br>**(1)** | **$37,089**<br>**(1)** |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
(Pages 27–28)

| **DEPARTMENT OF INSURANCE** | **Agreed Items** | **Senate 1994–95** | **House 1994–95** |
|---|---|---|---|
| 1. Add analysts and examiners to address increase in health insurance activity | $373,198 | $608,401 | 373,198 |
| Receipts | (116,008) | (239,478) | (116,008) |
| Appropriation | 257,190 | 368,923 | 257,190 |
| | (7.0) | (11.0) | (7.0) |
| 2. Increase expenditure limit to allow code sales | 313,930 | 313,930 | 313,930 |
| Receipts | (313,930) | (313,930) | (313,930) |
| **Company Services** | | | |
| 3. Reduce line items | | | |
| Travel | (30,000) | (75,000) | (30,000) |
| Contracted Exams | (400,000) | (400,000) | (400,000) |
| Receipts (713) | (400,000) | (400,000) | (400,000) |
| Subtotal | (30,000) | (75,000) | (30,000) |
| **Fire and Rescue** | | | |
| 4. Add four staff positions for certification program | 159,601 | 159,601 | — |
| | (4) | (4) | |
| 5. 1% line item reductions to maintain parity with other departments | (90,000) | — | (90,000) |
| **RESERVES** | | | |
| 1. **Consumer Protection Fund** — Replenish support to the level of the current year's anticipated expenditures | 350,000 | 350,000 | 350,000 |
| 2. **Local Fire Protection** — Increase as required by General Statutes | 500,000 | 500,000 | 500,000 |
| **TOTAL – RECURRING** | **$1,146,791** | **$1,303,524** | **$987,190** |
| | **(11)** | **(15)** | **(7)** |

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| **DEPARTMENT OF REVENUE** | | | |
|---|---|---|---|
| **Secretary's Office** | | | |
| 1. Reduce legal and collection fees | ($51,800) | ($51,800) | ($51,800) |
| 2. Governor's 1% Cut | (201,301) | (201,301) | (201,301) |
| **Field Operations** | | | |
| 1. Reduce moving expenses | (6,064) | (6,064) | (6,064) |
| **Department–wide** | | | |
| 1. Reduce various operating line–items | (9,390) | (9,390) | (9,390) |
| 2. Integrated Tax Administration System | | | |
| (a) Consultant services | 4,971,956 NR | 4,971,956 NR | 4,971,956 NR |
| (b) Staff and related support | 5,377,518 | 5,377,518 | 5,377,518 |
| (c) Equipment | 208,820 NR | 208,820 NR | 208,820 NR |
| | (50) | (50) | (50) |
| **TOTAL — RECURRING** | **$5,108,963** | **$5,108,963** | **$5,108,963** |
| | **(50)** | **(50)** | **(50)** |
| **NON–RECURRING** | **$5,180,776** | **$5,180,776** | **$5,180,776** |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
(Pages 30–31)

| **OFFICE OF STATE CONTROLLER** | **Agreed Items** | **Senate 1994–95** | **House 1994–95** |
|---|---|---|---|
| 1. Continued Implementation of the State Accounting System (SAS) | | | |
| (a) Support for contractual services | $7,000,000 NR | $7,000,000 NR | $7,000,000 NR |
| Receipts | (2,000,000) | (2,000,000) | (2,000,000) |
| (b) Data processing services | 2,000,000 | 2,000,000 | 2,000,000 |
| Receipts | (750,000) | (750,000) | (750,000) |
| (c) Financial Systems Division staff and support | 1,228,699 (25) | 1,228,699 (25) | 1,228,699 (25) |
| (d) Accounting Systems Division staff and support | 274,308 (5) | 274,308 (5) | 274,308 (5) |
| 2. Information Highway | | | |
| (a) Reserve | 7,000,000 NR | — | 7,000,000 NR |
| 3. Governor's 1% Cut — Delete staff position | (53,295) (–1) | (53,295) (–1) | (53,295) (–1) |
| 4. Reduce various line–items | | | |
| Personal Services | (405,749) | (405,749) | (405,749) |
| Travel | (17,400) | (17,400) | (17,400) |
| Employee Education | (5,000) | (5,000) | (5,000) |
| Data processing Equipment | (9,000) | (9,000) | (9,000) |
| Data Processing Software | (1,000) | (1,000) | (1,000) |
| Office Furniture | (3,325) | (3,325) | (3,325) |
| Miscellaneous Service | (6,100) | (6,100) | (6,100) |
| Subtotal | (447,574) | (447,574) | (447,574) |
| 5. **Public School Technology** — Funds to provide technical assistance to local school systems | 150,000 | 300,000 | — |
| **TOTAL — RECURRING** | **$2,402,138 (29)** | **$2,552,138 (29)** | **$2,252,138 (29)** |
| **NON–RECURRING** | **$7,000,000** | **$5,000,000** | **$12,000,000** |

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| **OFFICE OF THE GOVERNOR** | | | |
|---|---|---|---|
| 1. **State Match** — Support to match federal funds from the Federal Corporation for National and Community Services | $17,085 | $17,085 | $17,085 |
| 2. **Closing of Military Bases** — Funds to monitor efforts to close bases in North Carolina (HOUSE: position to be located in Raleigh) | | | |
| (a) Personal Services | 110,164 | 110,164 | 57,000 |
| (b) Consultant Fees | 65,836 | 150,000 | — |
| (c) Other Expenses | 24,000 | 24,000 | 24,000 |
| 3. Governor's 1% Reduction | (22,107) | (22,107) | (22,107) |
| **TOTAL — RECURRING** | **$194,978 (3)** | **$279,142 (3)** | **$75,978 (1)** |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**

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**DEPARTMENT OF CULTURAL RESOURCES**

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 1. Governor's 1% Cut | | | |
| (a) State Library — Grants–in–aid; and, Arts Council— grassroots art funds | — | ($187,163) | — |
| 2. Adjust travel and motor vehicles supplies related to the shift of vehicles to Motor Fleet Management | | | |
| (a) Travel increase | 250,000 | 250,000 | 250,000 |
| (b) Offsetting reductions in vehicle ownership expenses | (68,700) | (71,400) | (68,700) |
| Net | 181,300 | 178,600 | 181,300 |
| 3. Grants for local historic, cultural and artistic organizations | 4,000,000 NR | 6,000,000 NR | 1,500,000 NR |
| 4. **Archives and Records** — Funds for staff to improve record services for local governments and defunct schools | 222,108 (4) | 222,108 (4) | 99,111 (2) |
| 5. **Roanoke Island Commission** — Support for activities | 15,000 | 15,000 | — |
| 6. **Historic Sites** — Reserve for the development of Kerr Scott Farm | 67,500 NR | 135,000 NR | — |
| 7. **Amphitheater** — Funds to provide operating costs (partial year) | 10,633 (1) | — | 10,633 (1) |
| 8. **Reduce Line Items** — To offset restoration of Governor's 1% cut | (72,969) (–.5) | — | (72,969) (–.5) |
| **TOTAL — RECURRING** | **$356,072 (4.5)** | **$228,545** | **$218,075** |
| **NON–RECURRING** | **$4,067,500** | **$6,135,000 (4)** | **$1,500,000 (2.5)** |

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**GENERAL ASSEMBLY**

| | | | |
|---|---|---|---|
| 1. **Employer Match** — Support for increased retirement benefits | $776,250 | $776,250 | $776,250 |
| 2. **Reserves** | | | |
| (a) Contract for Insurance Department audit | 75,000 NR | 75,000 NR | 75,000 NR |
| (b) Seafood and Aquaculture Steering Committee | 25,000 NR | 25,000 NR | — |
| (c) Study Commissions | 100,000 NR | 100,000 NR | 100,000 NR |
| (d) House/Senate ($500,000 each) | — | 1,000,000 | — |
| (e) Legislative Services Commission | 2,000,000 | — | 2,000,000 |
| (f) Equipment and Furniture | 3,550,000 NR | 3,000,000 NR | 3,550,000 NR |
| (g) Court Commission | 10,000 NR | — | 10,000 NR |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**

| **GENERAL ASSEMBLY** (Continued) | **Agreed Items** | **Senate 1994–95** | **House 1994–95** |
|---|---|---|---|
| (h) Subsistence Increase: | | | |
| House | 207,083 | — | 207,083 |
| Senate | 147,917 | — | 147,917 |
| (i) Fund Health Planning Commission | 250,000 NR | — | 250,000 NR |
| **TOTAL — RECURRING** | **$3,131,250** | **$1,776,250** | **$3,131,250** |
| **NON–RECURRING** | **$4,010,000** | **$3,200,000** | **$3,985,000** |

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| | | | |
|---|---|---|---|
| **OFFICE OF THE SECRETARY OF STATE** | | | |
| 1. Governor's 1% Cut | ($32,485) | ($32,485) | ($32,485) |
| **Corporations Division** | | | |
| 2. Support for additional staff to assist with increased volume of filings | 91,285 (2) | 166,222 (5) | 91,285 (2) |
| **Business License Information** | | | |
| 1. Add staff and other expenses | 138,646 (4) | — | 138,646 (4) |
| **TOTAL — RECURRING** | **$197,446 (6)** | **$133,737 (5)** | **$197,446 (6)** |

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| | | | |
|---|---|---|---|
| **OFFICE OF STATE AUDITOR** | | | |
| 1. Continue GPAC Performance Auditor | $59,417 (1) | $59,417 (1) | $59,417 (1) |
| 2. Adjust Field Audit Division Equipment | (6,400) NR | (6,400) NR | (6,400) NR |
| 3. **Field Audit Division** | | | |
| (a) Add 6 financial positions effective 10–1–94 | — | 232,209 | — |
| | — | 38,400 NR (6) | — |
| Add 13 financial positions effective 10–1–94 | 504,060 | — | 504,060 |
| | 83,200 NR (13) | — | 83,200 NR (13) |
| (b) Add two EDP staff effective 10–1–94 | 76,093 | 76,093 | 76,093 |
| | 12,500 NR (2) | 12,500 NR (2) | 12,500 NR (2) |
| (c) Increase Contract Audits | | 50,000 | — |
| 4. Printing Equipment Replacement | 280,180 NR | 280,180 NR | 280,180 NR |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**OFFICE OF STATE AUDITOR**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 5. Administrative Staff — Add support staff for auditors | 62,196 | — | 62,196 |
| | 11,250 NR | — | 11,250 NR |
| | (3) | | (3) |
| **TOTAL — RECURRING** | **$701,766** | **$417,719** | **$701,766** |
| | **(19)** | **(9)** | **(19)** |
| **NON–RECURRING** | **$380,730** | **$324,680** | **$380,730** |

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**BOARD OF ELECTIONS**

| | | | |
|---|---|---|---|
| 1. Mail–in Voter Registration — Cost of State and federal forms printing, handling, and mailing | $120,000 | $120,000 | $120,000 |
| 2. Staff increase related to increased requirements related to a National Voter Registration Act of 1993, training of local election officials, and campaign reports auditing | 171,421 | 171,421 | 171,421 |
| | (4) | (4) | (4) |
| 3. Purchase of new telephone system | 7,500 NR | 7,500 NR | 7,500 NR |
| 4. Employee education and training, travel, and association dues | 28,000 | 28,000 | 28,000 |
| 5. Administration — Reduce operating expenses | (23,280) | (35,516) | (23,280) |
| 6. Reserve for Automation | | | |
| (a) Contractual services for study | 150,000 NR | 150,000 NR | 150,000 NR |
| (b) Computer reserve | 1,500,000 NR | 1,500,000 NR | 1,500,000 NR |
| **TOTAL — RECURRING** | **$296,141** | **$283,905** | **$296,141** |
| | **(4)** | **(4)** | **(4)** |
| **NON–RECURRING** | **$1,657,500** | **$1,657,500** | **$1,657,500** |

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**OFFICE OF THE STATE TREASURER**

| | | | |
|---|---|---|---|
| 1. Governor's 1% cut | ($39,827) | ($39,827) | ($39,827) |
| 2. Automation — Expand automation and imaging project | 895,500 | 895,500 | 895,500 |
| Receipts | (260,500) | (260,500) | (260,500) |
| Net – Appropriation | 635,000 | 635,000 | 635,000 |
| | (1) | (1) | (1) |
| 3. Firemen's Pension Fund Regular Contributions | 1,972,000 | — | 1,972,000 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**OFFICE OF THE STATE TREASURER**
(Continued)

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 4. Rescue Squad Workers' Fund Regular Contributions | 228,000 | — | 228,000 |
| **TOTAL — RECURRING** | **$2,795,173** | **$595,173** | **$2,795,173** |
| | **(1)** | **(1)** | **(1)** |

(Pages 39–41)

**JUDICIAL DEPARTMENT**

| | | | |
|---|---|---|---|
| **Continuation Budget Changes — Reductions** | | | |
| 1. Reduce funds from the non–reverting Special Capital Case Rehearing Fund and use the balance of 1993–94 funds (estimated at $800,000) for 1994–95. | $(1,048,424) | Senate Reallocates — | $(1,048,424) |
| 2. Reduce employer contribution rate to retirement system. | (672,000) | — | (672,000) |
| **Total Recurring Reductions** | **$(1,720,424)** | | **$(1,720,424)** |
| **Continuation Budget Changes — Transfers** | | | |
| 1. From appropriated funds, transfer funds from program fund 1260 (Clerk of Superior Court) to program fund 1240 (district court) and use funds to reallocate 11 warrant clerk positions in Forsyth to 11 magistrate positions. | — | — | — |
| **Expansion Budget** | | | |
| 1. Provide reserve funds for replacement and upgrade of office and data processing equipment. | | | |
| a. Office Equipment | $1,621,925 NR | $1,621,925 NR | $1,621,925 NR |
| b. Data Processing Equipment – Lease/purchase mainframe upgrade | 1,900,000 | 1,900,000 | 1,900,000 |
| c. Other Data Processing Equipment | 2,323,400 NR | 2,323,400 NR | 2,323,400 NR |
| d. Service and Maintenance Contracts | 328,403 | 328,403 | 328,403 |
| 2. Connect all remote magistrate offices to Criminal Information System. | $211,330 | $211,330 | $211,330 |
| | 472,980 NR | 472,980 NR | 472,980 NR |
| | (3) | (3) | (3) |
| 3. Provide funding for positions and contractual services to modify and update the Court Information System. | 935,373 | 1,035,373 | 935,373 |
| | 39,674 NR | 39,674 NR | 39,674 NR |
| | (5) | (5) | (5) |
| 4. Juvenile Services – Provide travel funds and equipment for transportation officers. | 106,824 | 106,824 | 106,824 |
| | 11,472 NR | 11,472 NR | 11,472 NR |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**JUDICIAL DEPARTMENT**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 5. Provide funds for an Administrative Assistant position for the District Attorney's Office in District 19C. | 16,341<br>5,495 NR<br>(1) | 16,341<br>5,495 NR<br>(1) | 16,341<br>5,495 NR<br>(1) |
| 6. Implement new office automation and case management systems in one half of the public defender and district attorney offices. | 217,677<br>813,044 NR<br>(3) | —<br>— | 217,677<br>813,044 NR<br>(3) |
| 7. Funds for the Gaston/Robeson Dispute Settlement Center (H 1648) | 15,000 | — | 15,000 |
| 8. Continue funding for Alamance Dispute Settlement Center (H 1781) | 5,000 | — | 5,000 |
| 9. Funds for the Cape Fear Dispute Settlement Center (H 2082) | 25,000 | — | 25,000 |
| 10. Establish Swain County Dispute Settlement Center (S 1365) | 6,000 | 6,000 | 6,000 |
| 11. Funds to be used to provide computers, additional office space, and salary and benefit increases for the Children's Law Center. | 100,000 NR | 100,000 NR | — |
| 12. Funds to increase Indigent Persons Attorney Fee Fund to provide for increased compensation of attorneys appointed to represent indigent defendants in capital cases. (H 1932) | $2,640,000 | — | $3,640,000 |
| 13. Continue expansion of court–ordered arbitration and custody mediation program. | 100,000<br>(1) | — | 100,000<br>(1) |
| **TOTAL RECURRING EXPANSION** | **$6,506,948** | **$3,604,271** | **$7,506,948** |
| **LESS REDUCTIONS** | **$(1,720,424)** | — | **$(1,720,424)** |
| **NET RECURRING EXPANSION** | **$4,786,524** | — | **$5,786,524** |
| **TOTAL NEW POSITIONS** | **(13)** | **(9)** | **(13)** |
| **TOTAL NON–RECURRING EXPANSION** | **$5,387,990 NR** | **$4,574,946 NR** | **$5,287,990 NR** |

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(Pages 42–44)

**DEPARTMENT OF CORRECTION**

**Reductions**

| | | | |
|---|---|---|---|
| 1. Consolidate Electronic House Arrest Monitoring Centers | $(215,374)<br>(–10) | $(215,374)<br>(–10) | $(215,374)<br>(–10) |
| 2. Decrease Clothing line item (Governor's 1% cut) | (2,250,000) | (2,250,000) | (2,250,000) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF CORRECTION**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 3. Decrease Food line item (Governor's 1% cut) | (1,800,000) | (1,800,000) | (1,800,000) |
| 4. Decrease Outside Medical line item (Governor's 1% cut) | (2,250,000) | (2,250,000) | (2,250,000) |
| 5. Reallocate $1,739,342 from Intensive Supervision Probation/Parole Program to Regular Probation/Parole Program due to Revised Structured Sentencing Estimates | (—) | (—) | (—) |
| 6. Reduce reserve to operate 5 208–bed prison units due to construction completion date changes. | | | (3,500,000) NR |
| **Total Recurring Reductions** | **$(6,515,374)** | **$(6,515,374)** | **$(6,515,374)** |
| | **(–10)** | **(–10)** | **(–10)** |
| **Total Non–Recurring Reductions** | | **—** | **(3,500,000) NR** |
| **Expansion Budget** | | | |
| 1. OPUS – Automated files for inmates, probationers/parolees. | 800,000 NR | 800,000 NR | 800,000 NR |
| 2. Reserve for Capacity Increases | — * | 8,748,910 | — * |
| | (144) | (222.5) | (222.5)** |
| 2A. Utilize appropriations for out–of–state housing of inmates to pay for (1) supervision of inmate road squads and work crews and to pay for per diem costs of inmates at non *Small* v. *Martin* units and (2) to achieve staffing standards and operate new units at Black Mountain, Caswell, and Sandhills prison units and to provide for supervision of additional inmate road squads at Caswell Prison Unit. No new appropriations needed. | — * | 482,647 | — * |
| | (74) | (2) | (74) |
| | | Item (1) | |
| 3. Non–recurring items for Boot Camps/Work Facilities | $593,690 NR | $593,690 NR | $593,690 NR |
| 4. Increase Laundry line item | 250,000 | 250,000 | 250,000 |
| 5. Increase staff for inmate health care cost containment | 409,051 | 409,051 | 409,051 |
| | 40,949 NR | 40,949 NR | 40,949 NR |
| | (7) | (7) | (7) |
| 6. Continue funding for Harriet's House, a transitional program for female parolees and their children (HB 1783/SB 1575) | 200,000 NR | 300,000 NR | 200,000 NR |

* Utilize funds from appropriations for out–of–state housing of inmates.
** These positions were not shown in the House bill but should have been included.

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF CORRECTION**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 7. Funds for female offenders' program to provide services to females at risk of incarceration (H 1270) | 105,000 NR | — | 105,000 NR |
| 8. Continue funding for a pilot community–based program for alcohol and drug abusers on probation or parole | 100,000 NR | 200,000 NR | — |
| 9. Provide funds to study and implement the Youthful Experience in Prison Program to educate youth about life in prison. | — | 50,000 NR | — |
| * Utilize funds from appropriations for out–of–state housing of inmates. | | | |
| 10. Provide funds to operate a 90–bed boot camp for youthful offenders in an urban area. | — | $857,707<br>392,293 NR<br>(32) | —<br>— |
| 11. Funds to develop and implement an HIV testing and counseling program for inmates. (HB 1911) | $1,124,353<br>(14) | — | $1,124,353<br>(14) |
| **TOTAL RECURRING EXPANSION** | **$1,783,404** | **$10,748,315** | **$1,783,404** |
| **LESS REDUCTIONS** | **$(6,515,374)** | **$(6,515,374)** | **$(6,515,374)** |
| **POSITION REDUCTIONS** | **(–10)** | **(–10)** | **(–10)** |
| **NET RECURRING EXPANSION** | **$(4,731,970)** | **$4,232,941** | **$(4,731,970)** |
| **TOTAL NET NEW POSITIONS** | **(229)** | **(253.5)** | **(307.5)** |
| **TOTAL NON–RECURRING EXPANSION** | **$1,839,639 NR** | **$2,376,932 NR** | **$1,739,639 NR** |
| **LESS NON–RECURRING REDUCTIONS** | **$(3,500,000) NR** | **—** | **$(3,500,000) NR** |
| **NET NON–RECURRING EXPANSION** | **$(1,660,361) NR** | **$2,376,932 NR** | **$(1,760,361) NR** |

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(Pages 45–48)

**DEPARTMENT OF JUSTICE**

**Reductions (Governor's 1% cut)**

| | | | |
|---|---|---|---|
| **General Administration** | | | |
| 3100 Travel Expenses | $(2,000) | $(2,000) | $(2,000) |
| 5100 Office Equipment | (1,003) | (1,003) | (1,003) |
| **Legal Services — Attorney General** | | | |
| 1911 Legal Fees | (10,000) | (10,000) | (10,000) |
| 1912 Attorney Fees | (30,000) | (30,000) | (30,000) |
| 3100 Travel Expenses — Boards | (20,000) | (20,000) | (20,000) |
| 5200 Data Processing Equipment | (36,600) | (36,600) | (36,600) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF JUSTICE**
(Continued)

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Law Enforcement — SBI** | | | |
| 2505 Airplane Supplies | (50,000) | (50,000) | (50,000) |
| 2990 Other Supplies and Materials | (50,000) | (50,000) | (50,000) |
| 3121 Out of State Travel | (5,000) | (5,000) | (5,000) |
| 3122 Out of State Subsistence | (5,000) | (5,000) | (5,000) |
| 3200 Other Communications | (8,666) | (8,666) | (8,666) |
| 5200 Data Processing Equipment | (74,700) | (74,700) | (74,700) |
| 5500 Laboratory Equipment | (44,100) | (44,100) | (44,100) |
| 5540 Law Enforcement Equipment | (16,100) | (16,100) | (16,100) |
| **Training & Standards** | | | |
| 3200 Communications | (5,000) | (5,000) | (5,000) |
| 3300 Utilities | (26,200) | (26,200) | (26,200) |
| 4100 Rent | (1,000) | (1,000) | (1,000) |
| 5600 Library Books | (1,200) | (1,200) | (1,200) |
| **Total Reductions** | **$(386,569)** | **$(386,569)** | **$(386,569)** |
| **EXPANSION BUDGET** | | | |
| 1. Civil Division — Motor Vehicles Section — Additional staff to respond to increased caseload resulting from growing DMV personnel, new programs and state's increasing population of licensed drivers. | | | |
| (1) Attorney I | | | |
| Requirements | $44,317 | $44,317 | $44,317 |
| Receipts | 44,317 | 44,317 | 44,317 |
| Appropriations | — | — | — |
| | (1) | (1) | (1) |
| **Other Expansion Budget** | | | |
| 1. Division — Capital Case Litigation | 151,153 | 151,153 | 151,153 |
| Section — Additional staff to handle the number of death penalty cases in a timely manner. | 16,424 NR (3) | 16,424 NR (3) | 16,424 NR (3) |
| (1) Attorney III | | | |
| (1) Attorney I | | | |
| (1) Paralegal I | | | |
| 2. Grant Matching Funds: | | | |
| a. Legal Services – Citizens Rights Division – Funds to match federal grant for Child Victim's Assistance Project. | 25,228 NR | 100,597 NR | 25,228 NR |
| b. SBI – Bullet Proof Grant – Funds to match federal grant to purchase computerized system to match bullets and weapons. | 166,661 NR | 166,661 NR | 166,661 NR |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF JUSTICE**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 3. SBI – Additional investigative personnel to respond to increasing requests for assistance from local law enforcement in response to violent crime. | 343,191 | 343,191 | 343,191 |
| | 167,400 NR | 167,400 NR | 167,400 NR |
| | (6) | (6) | (6) |
| (1) Special Investigator | | | |
| (5) SBI Agent I | | | |
| 4. Legal Services – Additional operating support for legal staff — To increase budget level to current expenditure level. | 84,800 | 84,800 | 84,800 |
| 5. Administration – Additional staff is needed to handle printing needs for legal services. | 21,256 | 21,256 | 21,256 |
| | 725 NR | 725 NR | 725 NR |
| (1) Printing Equipment Operator I | (1) | (1) | (1) |
| 6. Information Systems Division – Upgrade the Legal Services Division automated systems to allow all sections to communicate and have at least one access to computerized legal research. | 119,000 NR | 119,000 NR | 119,000 NR |
| 7. SBI – Firearms analyst and necessary equipment — To provide funding for a firearms analyst and necessary equipment which will allow for increased assistance to local law enforcement in a timely manner. | 38,923 | 38,923 | 38,923 |
| | 56,355 NR | 56,355 NR | 56,355 NR |
| | (1) | (1) | (1) |
| (1) Analyst I | | | |
| 8. Criminal Division — Medicaid Fraud Section — Additional investigators are required to handle the increased caseloads. Of the $116,493 total requirements, $95,053 is recurring and $21,440 is Non–Recurring. | | | |
| (2) Investigators | | | |
| Requirements | 116,493 | 116,493 | 116,493 |
| Receipts | 87,370 | 87,370 | 87,370 |
| Appropriations | 29,123 | 29,123 | 29,123 |
| | (2) | (2) | (2) |
| 9. Trade and Commerce Division — Consumer Protection Section — Additional investigators to assist in the areas of charitable solicitation fraud, anti–trust violations and price–fixing schemes. | $98,768 | $98,768 | $98,768 |
| | 9,400 NR | 9,400 NR | 9,400 NR |
| (2) Investigators | (2) | (2) | (2) |
| 10. Justice Academy – Staff to serve increased demand for law enforcement training. | 111,697 | — | 111,697 |
| | 93,372 NR | — | 93,372 NR |
| | (2) | — | (2) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF JUSTICE**
(Continued)

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 11. Funds for positions and operating costs | — | — | 46,617 |
| for criminal records checks of school personnel. | — | — | (1.5) |
| 12. Reserve for major litigation expense. | 100,000 NR | 100,000 NR | 100,000 NR |
| 13. Legal Services — Appropriate funds to the North Carolina Legal Education Assistance Foundation to provide loan repayment assistance for attorneys employed full–time in law–related public service positions. | 25,000 NR | 50,000 NR | — |
| 14. Funds to implement Sex Offender Registration. | 22,810 | 22,810 | — |
| | 10,000 NR | 10,000 NR | — |
| | | (1) | — |
| **TOTAL EXPANSION REQUIREMENTS** | **$1,822,973** | **$1,718,273** | **$1,811,780** |
| **RECEIPTS** | **$131,687** | **$131,687** | **$131,687** |
| **APPROPRIATIONS** | **$1,691,286** | **$1,586,586** | **$1,680,093** |
| **TOTAL NEW POSITIONS** | **(18)** | **(17)** | **(19.5)** |
| **TOTAL RECURRING EXPANSION** | **$901,721** | **$790,024** | **$925,528** |
| **LESS REDUCTIONS** | **$(386,569)** | **$(386,569)** | **$(386,569)** |
| **NET RECURRING EXPANSION** | **$515,152** | **$403,455** | **538,959** |
| **TOTAL NON–RECURRING EXPANSION** | **$789,565 NR** | **$796,562 NR** | **$754,565 NR** |

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(Pages 49–52)

**DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY**

**REDUCTIONS**

| | | | |
|---|---|---|---|
| **Administration** | | | |
| 1. Out–of–State Travel/Transportation | $(2,000) | $(2,000) | $(2,000) |
| 2. Repairs and maintenance | (2,500) | (2,500) | (2,500) |
| 3. Data Processing Services/Maintenance | (4,100) | (4,100) | (4,100) |
| **National Guard** | | | |
| 1. Office Materials and Supplies | (1,000) | (1,000) | (1,000) |
| 2. In–State Travel/Transportation | (2,000) | (2,000) | (2,000) |
| 3. In–State Travel/Subsistence | (1,000) | (1,000) | (1,000) |
| 4. Printing and Reproduction | (2,000) | (2,000) | (2,000) |
| 5. Office Furniture and Equipment | (2,000) | (2,000) | (2,000) |
| **Butner Public Safety** | | | |
| 1. Repairs and Maintenance | (1,500) | (1,500) | (1,500) |
| **Alcohol Law Enforcement (ALE)** | | | |
| 1. ALE Agent (Position Vacancy) | (36,236) | (36,236) | (36,236) |
| | (–1) | (–1) | (–1) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Emergency Management** | | | |
| 1. In–State Travel/Transportation | (3,000) | (3,000) | (3,000) |
| 2. In–State Travel/Subsistence | (5,000) | (5,000) | (5,000) |
| 3. Other Communication | (1,000) | (1,000) | (1,000) |
| 4. Printing and Reproduction | (4,000) | (4,000) | (4,000) |
| 5. Repairs and Maintenance | (3,000) | (3,000) | (3,000) |
| 6. Educational Expense | (4,000) | (4,000) | (4,000) |
| **Victim and Justice Services** | | | |
| 1. In–State Travel/Transportation | $(9,905) | $(9,905) | $(9,905) |
| 2. In–State Travel/Subsistence | (4,000) | (4,000) | (4,000) |
| 3. Out–of–State Travel/Transportation | (2,000) | (2,000) | (2,000) |
| 4. Out–of–State Travel/Subsistence | (3,000) | (3,000) | (3,000) |
| 5. Educational Expenses | (10,000) | (10,000) | (10,000) |
| 6. Insurance and Bonding | (5,000) | (5,000) | (5,000) |
| **Governor's Crime Commission** | | | |
| 1. In–State Travel/Transportation | (2,000) | (2,000) | (2,000) |
| 2. In–State Travel/Subsistence | (2,000) | (2,000) | (2,000) |
| 3. Telephone | (1,000) | (1,000) | (1,000) |
| 4. Drug Enforcement—State Match | (50,000) | (50,000) | (50,000) |
| **Crime Prevention** | | | |
| 1. Printing and Production | (5,000) | (5,000) | (5,000) |
| **Total Reductions** | **$(168,241) (–1)** | **$(168,241) (–1)** | **$(168,241) (–1)** |
| **Expansion Budget** | | | |
| 1. Funding to establish one pilot community response team in the Office of the Secretary to provide technical assistance to communities in developing community policing programs in high crime areas. (H 1798) | 218,385<br>12,405 NR<br>(4) | —<br>—<br>— | $218,385<br>12,405 NR<br>(4) |
| 2. Increase funds for National Guard Tuition Assistance. (H 1685) | 350,000 | 192,500 | 350,000 |
| 3. Increase funding for repairs and maintenance to National Guard armories. (H 1684/S 1546) | 200,000 | 200,000 | 200,000 |
| 4. Funding to register 76 heating oil underground storage tanks at National Guard Armories. | 17,025<br>111,975 NR | —<br>— | 17,025<br>111,975 NR |
| 5. Provide funds to cover the State's share of an agreement with the US Army Corps of Engineers and FEMA to conduct a re–study of the Eastern North Carolina Evacuation Study (SB 1407/HB 1641) | 105,000 | 105,000 | — |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 6. Alcohol Law Enforcement (ALE) — | 118,872 | — | 118,872 |
| Funds for three Alcohol and Law | 64,569 NR | — | 64,569 NR |
| Enforcement agents for nuisance | (3) | — | (3) |
| abatement civil activity (H 1814) | | | |
| 7. Funds for ten Alcohol and Law | 406,240 | 406,240 | — |
| Enforcement agents for ongoing | 222,100 NR | 222,100 NR | — |
| inspection and enforcement activity. | (10) | (10) | — |
| 8. ALE — Clothing allowance for ALE | | | |
| agents (H 1651) | 40,800 | — | 40,800 |
| 9. ALE — Funding for rental of DCI | | | |
| terminals for use in 13 ALE district | | | |
| offices (H 1654) | 46,800 | — | 46,800 |
| 10. Civil Air Patrol – Increase funding for | | | |
| repairs and maintenance (H 1652) | 9,500 | — | 9,500 |
| 11. Civil Air Patrol — To provide for | | | |
| repayment of construction loan and for | | | |
| landscaping | 22,500 NR | 45,000 NR | — |
| 12. Butner Public Safety – Fire Suppression | | | |
| Equipment (H 1692) | 273,263 NR | 273,263 NR | 273,263 NR |
| 13. Funds to establish one Claims | 41,599 | — | 41,599 |
| Investigator for the Crime Victims/Rape | 2,850 NR | — | 2,850 NR |
| Assistance Programs (H 1657) | (1) | — | (1) |
| 14. Funds to continue Drug Task Forces in | 250,000 | — | $250,000 |
| eastern North Carolina (H 1518) | | | |
| **TOTAL RECURRING EXPANSION** | **$1,804,221** | **$903,740** | **$1,292,981** |
| **LESS REDUCTIONS** | **$(168,241)** | **$(168,241)** | **$(168,241)** |
| **POSITION REDUCTION** | **(–1)** | **(–1)** | **(–1)** |
| **NET RECURRING EXPANSION** | **$1,635,980** | **$735,499** | **$1,124,740** |
| **TOTAL NET NEW POSITIONS** | **(17)** | **(9)** | **(7)** |
| **TOTAL NON–RECURRING EXPANSION** | **$709,662 NR** | **$602,863 NR** | **$465,062 NR** |
| **EXPANSION BUDGET – HIGHWAY FUND** | | | |
| 1. Funding to establish 45 additional State | | | |
| Trooper positions; cars and equipment | | | |
| included in first year costs (H 1637) | 2,735,235 | — | 4,558,725 |
| | (45) | | (75) |

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(Pages 53–72)

**DEPARTMENT OF HUMAN RESOURCES**

**CONTINUATION BUDGET CHANGES**

**Division of Medical Assistance**

| | | | |
|---|---|---|---|
| 1. **Rate of Growth Adjustment** — Reduce budget due to slower than anticipated rates of growth in eligibles and costs per eligible. | ($80,287,706) | ($80,287,706) | ($80,287,706) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF HUMAN RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 2. **Overrealized Receipts** — Reduce appropriations due to anticipated increases in Drug Rebate receipts. | (478,391) | (478,391) | (478,391) |
| 3. Reduce appropriations to reflect increased receipts and adjustments to budgeted program increases. | (12,000,000) | (12,000,000) | (12,000,000) |
| **Division of Facility Services** | | | |
| 1. **Construction Section Adjustments** — Reductions to travel lines. | (12,000) | (12,000) | (12,000) |
| 2. Reduction of .3044% to state funding for local programs as identified by the Governor. | (2,861) | (2,861) | (2,861) |
| **Division on Aging** | | | |
| 1. **Sr. Center Outreach** — Adjust outreach funding for Area Agencies on Aging for Senior Centers. | (12,524) | (12,524) | (12,524) |
| 2. Reduction of .3044% to state funding for local programs as identified by the Governor. | (2,294) | (2,294) | (2,294) |
| **Division of Social Services** | | | |
| 1. **JOBS** — Reduce appropriations due to availability of increased federal resources. | (138,730) | (138,730) | (138,730) |
| 2. **Aid to Families With Dependent Children** — Reduce appropriations for AFDC and AFDC–Unemployed Parent Program (AFDC–UP) to reflect lower than expected growth in caseloads and payments. | (6,518,392) | (6,518,392) | (6,518,392) |
| 3. **Child Support Receipts Increased** — Adjust appropriations due to increased child support collections for AFDC recipients. | (500,000) | (500,000) | (500,000) |
| 4. **Psychological Services Reductions** — Eliminate psychological services in Child Welfare Services. | (163,750) | (163,750) | (163,750) |
| 5. **JOBS** — Adjustments to budgeted but unexpended funds for county initiatives. | (31,138) | (31,138) | (31,138) |
| 6. **State County Special Assistance Program** — Adjust projected average monthly payment amount and number of payments to domiciliary care facilities to reflect actual activity. | (561,980) | (561,980) | (561,980) |
| 7. Reduction of .3044% to state funding for local programs identified by the Governor. | (145,353) | (145,353) | (145,353) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF HUMAN RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Division of Services for the Blind** | | | |
| 1. **State County Special Assistance for Adults** — Reduce funding for domiciliary care placements. | (14,515) | (14,515) | (14,515) |
| 2. **Burlington District Office** — Consolidate services in the Burlington and Winston–Salem District offices into the Winston–Salem Office. | (5,646) | (5,646) | (5,646) |
| 3. Eliminate vacant occupational and physical therapist positions. | (55,369)<br>(–2) | (55,369)<br>(–2) | — |
| **Division of Services for the Deaf and Hard of Hearing** | | | |
| 1. **Central N. C. School for the Deaf** – Eliminate vacant housekeeping and occupational therapist positions. | (25,112)<br>(–2) | (25,112)<br>(–2) | — |
| 2. **NC School for the Deaf** (Morganton) – Eliminate vacant part–time occupational therapist position. | (8,198)<br>(–0.22) | (8,198)<br>(–0.22) | —<br>— |
| **Division of Child Development** | | | |
| 1. A. **FSA Day Care** — Adjustments to funding for Family Support Act – Day Care Services. | (52,197) | — | (52,197) |
| B. **Head Start** – Adjustments to funding for Head Start Parent/Child Centers. | — | (52,197) | — |
| 2. Reduction of .3044% to funding for local services as identified by the Governor. | (58,935) | (58,935) | (58,935) |
| **Office of the Secretary** | | | |
| 1. Reduce contracted personnel services and over–budgeted state match for federal funds. | (15,259) | (15,259) | (15,259) |
| 2. Abolish one Volunteer Services position, vacated as a result of the elimination of the Office of Volunteer Services. | (29,463)<br>(–1) | (29,463)<br>(–1) | (29,463)<br>(–1) |
| 3. Departmental Reduction of .3044% to state funds for local services as identified by the Governor. | (7,869) | (7,869) | (7,869) |
| **Division of Youth Services** | | | |
| 1. Reduce various line–items by 1%. | (55,304) | (55,304) | (55,304) |
| **Division of Vocational Rehabilitation** | | | |
| 1. Eliminate 3 positions through a reorganization of data entry operations. | (13,901)<br>(–3.0) | (13,901)<br>(–3.0) | (13,901)<br>(–3.0) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF HUMAN RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Division of Vocational Rehabilitation** (Continued) | | | |
| 2. Eliminate 1 position through a consolidation of staff operating computer hardware with staff developing software. | (8,092)<br>(–1.0) | (8,092)<br>(–1.0) | (8,092)<br>(–1.0) |
| 3. Reduce non–medical, rehabilitation case services funds. | (24,640) | (24,640) | (24,640) |
| 4. Reduction of .3044% to state funding for local services as identified by the Governor. | (9,886) | (9,886) | (9,886) |
| **Division of Mental Health, Developmental Disabilities, and Substance Abuse Services** | | | |
| 1. Adjust patient receipts in state institutions to more realistic levels. | (2,943,984) | (2,943,984) | (2,943,984) |
| 2. Convert Caswell Center's acute medical care beds to ICF/MR. | (586,920) | (586,920) | (586,920) |
| 3. Consolidate administrative activities' of Butner ADATC with John Umstead Hospital. | (66,858)<br>(–3.0) | (66,858)<br>(–3.0) | (66,858)<br>(–3.0) |
| 4. Generate Medicaid reimbursement for Thomas S and Willie M program administration. | (1,116,401) | (1,116,401) | (1,116,401) |
| 5. Convert Western Carolina Center's 8 bed hospital to ICF/MR. | (348,066) | (348,066) | (348,066) |
| 6. Reduction of .3044% to state funding for local services as identified by the Governor. | (528,411) | (528,411) | (528,411) |

**Department–wide:**
Eliminate the salary related increase for State funded locally operated programs calculated on the basis of a 2.16% increase for state employees.

| | | | | |
|---|---|---|---|---|
| Divisions: | Facility Services | House/ | (12,293) | House |
| | Aging | Senate | (12,679) | Deleted |
| | Social Services | deleted | (1,575,276) | all |
| | Services for the Blind | all | (8,672) | Jordan/ |
| | Child Development | Jordan/ | (579,234) | Adams |
| | Office of the Secretary | Adams under | (34,832) | Under |
| | Youth Services | Salary | (263,488) | Salary |
| | Vocational Rehabilitation | Increase | (40,735) | Increase |
| | Mental Health | Reserve | (3,972,791) | Reserve |
| | | | (6,500,000) | |
| **TOTAL CONTINUATION BUDGET CHANGES** | | **($106,830,145)**<br>**(12.22)** | **($113,330,145)**<br>**(12.22)** | **($106,741,466)**<br>**(–8.0)** |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF HUMAN RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **EXPANSION** | | | |
| **Division of Medical Assistance** | | | |
| 1. **Expansion of Children's Coverage** — Extend coverage to children ages 11 to 19 with family incomes under 100% of federal poverty guidelines effective 7/1/94. Support this expansion are offset by a reduction in the Department of Environment, Health and Natural Resources Division of Health Services, Children's Special Health Services Program. (SB 1358/HB 1607/HB 1876) | 2,846,992 | 2,846,992 | 2,846,992 |
| 2. **Coverage for Adoptive Children with or Special Rehabilitative Needs** — Extend coverage to families who adopt children with special or rehabilitative needs without regard to family income effective 10/94. (SB 1358/HB 1607/HB 1876) | 300,000 | 300,000 | 300,000 |
| 3. **Coverage for Elderly, Blind and for Disabled** —Effective 1/1/95 provide Medicaid coverage for all SSI eligible elderly, blind and disabled people. (Eliminate 209(b)(b) status) (SB 1358/HB 1607/HB 1876) | 20,000,000 (3) | 20,000,000 (3) | 20,000,000 (3) |
| 4. **Funding for Estate Recovery** — Funding to support estate recovery activities required by federal law. (SB 1640/HB 2068) | 54,750 50,000 NR (2) | 54,750 50,000 NR (2) | 54,750 50,000 NR (2) |
| **Division of Social Services** | | | |
| 1. **Expansion of JOBS Opportunity and Basic Skills (JOBS) Program** — Funds to implement the program statewide effective July 1, 1994. | 934,131 (4) | 934,131 (4) | 934,131 (4) |
| 2. **Federal Financial Participation (FFP) Rate** — Funds to cover a reduction in the FFP rate for the systems – related Aid to Families with Dependent Children and Food Stamps expenses. | 557,903 | 557,903 | 557,903 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF HUMAN RESOURCES**
(Continued)

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 3. **Increase in Rest Home Payments** — | | | |
| (a) Funds to increase by 4% the maximum monthly rate for ambulatory residents of domiciliary care facilities from $938 to $975 and for semi–ambulatory residents from $979 to $1,017. Effective July 1, 1994. | 4,798,716 | — | 4,798,716 |
| (b) 5% increase from $938 to 985; and, from $979 to 1,028, effective 10/1/94. | — | 4,798,716 | — |
| 4. **Personal Needs Allowance** — Funds to raise state support for personal needs allowance for residents of domiciliary care facilities from $27 to $31 a month. (HB 1567) | 469,876 | — | 469,876 |
| 5. **Foster Care Services** — | | | |
| (a) Institute Graduated Monthly Rate Schedule effective July 1, 1994 – (0–5 yrs) $315 (6–12 yrs) $365 (13–18 yrs) $415 | 2,031,501 | — | 2,031,501 |
| (b) Institute graduated monthly rate schedule effective October 1, 1994 – (0–5 yrs) $290 (6–12 yrs) $315 (13–18 yrs) $340 | — | 761,895 | — |
| (c) Funds to contract for an outside independent comprehensive study of the Child Welfare System. | 150,000 NR | 150,000 NR | 150,000 NR |
| (d) Funds to develop and implement an in–house training component for foster care and adoptions staff, parents and local DSS staffs. | 181,270 (3) | 181,270 (3) | 181,270 (3) |
| (e) Funds to purchase a foster care recruitment and retention assessment guide. | 15,167 NR | 15,167 NR | 15,167 NR |
| (f) Funds to county Departments of Social Services to hire 85 Social Services to hire foster care workers. | — | — | 2,597,237 |
| (g) Funds to provide additional monthly foster care assistance payments for foster children with HIV. (HB 1689) | 499,500 | — | 499,500 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF HUMAN RESOURCES**

| (Continued) | | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|---|
| 6. **Adoption Assistance Program** — | | | | |
| (a) Funds to institute a graduated monthly rate schedule effective July 1, 1994 – (0–5 yrs) $315 (6–12 yrs) $365 (13–18 yrs) $415 | 1,435,880 | | — | 1,435,880 |
| (b) Funds to institute a graduated monthly rate schedule effective October 1, 1994 (0–5 yrs) $290 (6–12 yrs) $315 (13–18 yrs)$340 | — | | 538,456 | — |
| 7. **Child Welfare Adjustments** — | | | | |
| (a) Caseload adjustments in foster care and adoptions. | | 242,817 | 242,817 | 242,817 |
| (b) Reduction in federal financial participation rate in Foster Care, Adoptions and Family Services Administration. | | 17,670 | 17,670 | 17,670 |
| 8. **Maternity Home Fund** — Funds to provide maternity home services to eligible clients. (HB 1613/SB 1344) | | 665,000 | 665,000 | 665,000 |
| 9. **Children's Home Society of North Carolina, Inc.**— Funds to support adoptions activities for special needs children. (HB 1613/SB 1344) | | 750,000 NR | 750,000 NR | 750,000 NR |
| 10. **Emergency Assistance Program** — Funds to extend the availability of the AFDC–EA program year round. (HB 2069) | | 2,373,315 | — | 2,373,315 |
| 11. **Child Caring Agency Funds** — Funds to add 10 additional private nonprofit child caring agencies pursuant to NCAC, Subchapter 41 M. (HB 1658) | | 755,059 | — | 755,059 |
| 12. **Central Children's Home of NC** — Funds to provide a grant–in–aid to enhance foster care services.(HB 1653) | | 500,000 NR | — | 500,000 NR |
| 13. **Child Support Enforcement** — The Department is authorized to establish 85 additional Child Support Enforcement positions with over–realized receipts which would otherwise be returned to offset AFDC state match. | | | | |
| Total Requirements | $3,258,309 | 0 | — | 0 |
| Federal Receipts | 2,150,485 | | | |
| AFDC Return Receipts | 1,107,824 | | | |
| Appropriations | — | (85) | — | (85) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF HUMAN RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Division of Child Development** | | | |
| 1. **Smart Start** — Funding for the expansion of the Early Childhood Education and Development Initiative in the following areas: | | | |
| a. Additional funding for the addition of twelve counties and ten new positions for the Division of Child Development. Uses an average reimbursement rate of $312 | 16,441,875 (10) | 17,328,035 (10) | 16,156,750 (10) |
| b1. Additional funds to provide the initial twelve projects in eighteen counties with funding adjusted for an increase in the market rate and to bring the initial counties closer to their projected full allocation. | — | 8,795,747 | — |
| b2. Additional funds to provide the initial twelve projects in eighteen counties with funding for a projected growth in the number of children in each county and minor inflation adjustments. Uses an average reimbursement rate of $312. | 2,681,907 | — | 254,112 |
| c. **T.E.A.C.H:** Continuation funding for the Teacher Education and Compensation Helps Early Childhood project to allow child day care teachers to seek continued education. | 1,000,000 NR | 1,000,000 NR | 1,000,000 NR |
| 2. **Subsidized Child Day Care** — Increase funding to provide subsidized child day care for the same number of children in the nonentitlement child day care program in 1994–95 as will be served in 1993–94. This increase also includes a transfer of $5,066,924 from excess state matching dollars in the federal Family Support Act entitlement day care program. | 1,064,783 | 1,064,783 | 1,064,783 |
| 3. **Subsidized Child Day Care** — Provide subsidized child day care services for children currently eligible for nonentitlement child day care but not currently receiving these services. | 4,000,000 | — | 6,000,000 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF HUMAN RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 4. **Uplift, Inc.** — Funds to provide a grant–in–aid to a Greensboro based organization which provides technical assistance to counties to better use existing resources for families and children. (SB 1450/HB 1580) | 300,000 NR | 300,000 NR | 300,000 NR |
| **OFFICE OF THE SECRETARY** | | | |
| 1. **Provider Stipend Program** — Expand this program to recruit primary care providers including physicians nurse practitioners, nurse midwives and physician assistants in rural communities and underserved areas of the state Annual Cost. (HB 1581) | 900,000 | 900,000 | 900,000 |
| 2. **Primary Care Development Grants** — Funds to provide rural and underserved communities with state funded recruitment incentives and bonuses for health care providers. | 750,000 | 750,000 | 750,000 |
| 3. **Mental Health Institutional Needs** — Funds for equipment and other direct patient needs in MH/DD/SAS institutions, except $250,000 is to be reserved for equipment and other direct student needs of the Governor Morehead School. | 2,000,000 | NR | — 4,000,000 NR |
| **Division of Family Development** | | | |
| 4. **Smart Start** – Funds to add positions to. assist in the implementation of the Early Childhood Education and Development Industries | — | 112,500 (3) | — |
| **Division of Services for the Blind** | | | |
| 1. **Extended School Year (ESY) Program** — Funds to establish ESY as mandated by federal law. | 106,442 (3.2) | 106,442 (3.2) | 106,442 (3.2) |
| 2. **Transition Services** — Funds to implement a federally mandated program which promotes movement from school to post–school activities. | 62,312 (2) | 62,312 (2) | 62,312 (2) |
| 3. **Deaf–Blind Independent Living** — Funds to establish a special unit at the rehabilitation Center for the Blind in Raleigh to provide a continuum of services including independent living for the deaf–blind population. (HB 1577) | 100,000 (11) | — | 100,000 (11) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF HUMAN RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Division of Services for the Blind** (Continued) | | | |
| 4. **Governor Morehead School Outreach Program** — Funds to enhance outreach services across the State and provide resources to local schools and families. | 100,000 | — | 100,000 |
| (HB 1571) | (2) | | (2) |
| **Division of Services for the Deaf and Hard of Hearing** | | | |
| 1. **Transition Services** — Funds to implement a federally mandated program which promotes movement from school to post–school activities. | 304,806 | 304,806 | 304,806 |
| | (6) | (6) | (6) |
| 2. **Schools for the Deaf** — Funds to enhance educational services to the three schools for the deaf and enable the schools to meet minimal basic educational standards. | 1,000,000 | — | 1,000,000 |
| (HB 1753) | (35) | | (35) |
| 3. **Deaf Access for Services – ADA** — Funds to provide expansion of the Community Affairs Unit in order to ensure deaf/hard–of–hearing equal access to human services as mandated by the American Disabilities Act. (HB 1750) | 1,662,249 (36) | — | 1,662,249 (36) |
| **Division of Mental Health, Developmental Disabilities and Substance Abuse** | | | |
| 1. **Willie M Services** — Funds to expand services for an estimated 200 additional children, and initiate training programs and effectiveness studies. | | | |
| Effective 7/1/94 | 5,400,000 | — | 5,400,000 |
| Effective October 1, 1994. | | 5,400,000 | — |
| 2. **Mental Health/Deaf Services** — Funds to implement the long range plan for mental health services for the deaf in accordance with a compliance agreement with N. C. Association of the Deaf. (HB 1519) | 145,000 | — | 145,000 |
| 3. **Crisis Stabilization Funds** — Funds to provide community–based stabilization services to avoid institutionalization. Up to 10% of the funds shall be used to establish a crisis stabilization unit in the Division of Mental Health, Developmental Disabilities and Substance Abuse Services. (HB 1578) | 200,000 1,000,000 NR | — | 200,000 1,800,000 NR |
| 4. **Range Revision for Psychologists** — Funding to implement the range revision for psychology positions across the state system. (HB 1630/SB 1387) | 195,000 | — | 195,000 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF HUMAN RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Mental Health Study Commission Plans/ Coalition 2001.** (Effective July 1, 1994) HB 1769; SB 1417 | | | |
| 5. **Domiciliary Care Services** — Provide community–based mental health services for residents of domiciliary care facilities. Held in reserve to match Medicaid funds. | 1,875,000 | 1,875,000 | 1,875,000 |
| 6. **HUD Group Homes for Mentally Ill** — Start–up and operating funds for 4 group homes and 3 apartment projects. | 310,000 | 310,000 | 310,000 |
| 7. **Crisis Prevention Funds** — Funds for out–reach, intensive case–management and other 24 hour or wrap–around services. $75,000 grant to each area program; balance to be allocated 70% per capita, 30% catch–up funding.* | 1,860,000 | 1,860,000 | 1,860,000 |
| 8. **Implementation of Child Mental Health Plan** — Funds for Community–based diagnosis and treatment of children. Allocated 70% per capita, 30% catch–up funding. | 750,000 | 750,000 | 750,000 |
| **Developmental Disabilities** | | | |
| 9. **Thomas S. Services** — Funds to provide services for 210 new class members and to annualize services for another 50 class members. Effective July 1, 1994. | 8,300,000 | — | 8,300,000 |
| Effective October 1, 1994 | | 6,200,000 | — |
| | (4) | (4) | (4) |

* 30% of expansion funding is allocated among the 20 area programs below the median of all area programs ranked on per capita funding.

| | | | |
|---|---|---|---|
| 10. **PL 99–457 – Early Intervention Funds** — Funds to continue to implement center–based intensive services and respite services in accordance with PL 99–457. Effective July 1, 1994. | 1,000,000 | — | 1,000,000 |
| Effective October 1, 1994 | | 1,000,000 | — |
| 11. **MR/BD UNIT** — Funds to establish a 12 bed, structured, behaviorally oriented unit at Murdoch Center for difficult–to–serve adolescents and adults with mental retardation and/or a diagnosis of autism, both with an accompanying behavior disorder. Effective July 1, 1994. (HB 2061) | 949,483 | — | 949,483 |
| | (47) | | (47) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF HUMAN RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Developmental Disabilities** (Continued) | | | |
| 12. **Autism Services** — Funding of the Autism Society of N. C. to establish a parent/family advocacy program, a vocational training program, a development program and to restore a reduction in funding for the previous year. (HB 1573) | 244,000 | — | 244,000 |
| 13. **Increase Patient Receipts at MR Centers** — The Department shall increase patient receipts to adjust the fiscal impact of reducing census at the MR Centers to more realistic levels. | | | |
| Total Requirements 3,634,681 | | | |
| Receipts 3,634,681 | | | |
| Appropriation | — | — | — |
| **Mental Health Study Commission Plans/Coalition 2001.** (Effective July 1, 1994) | | | |
| 14. **Head Injury Funds** — Funds to expand services for with traumatic brain injuries initiated in 1993–94. | 112,500 | 112,500 | 112,500 |
| 15. **Respite and In–Home Services** — Funds to expand respite and in–home services for the developmentally disabled and their families. Allocated 70% per capita, 30% catch–up funding. | 265,500 | 265,500 | 265,500 |
| 16. **ADAP Funds** — Funds to reduce the waiting list for ADAP services state–wide, to offset operating costs and to expand supported employment services. Allocated 70% per capita, 30% catch–up funding. | 975,000 | 975,000 | 975,000 |
| 17. **United Cerebral Palsy Funds** — Funds to establish and expand services in Lee, Harnett, Wake and Johnston counties and to operate a summer camp for disabled children. | 405,000 | 75,000 | 405,000 |
| 18. **HUD Group Homes** — Start–up and operating funds for 1 group home for the developmentally disabled (DD) and 6 supported living projects. | 534,200 | 534,200 | 534,200 |
| 19. **Residential Subsidy for DD Clients** — Funds to pay room and board for clients who are able to move to less restrictive and less costly housing. Allocated on per capita basis. | 170,550 | 170,550 | 170,550 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF HUMAN RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 20. **Respite and In–Home Support Services for Children** — Funds to expand community–based respite and in–home support services to child DD clients and their families families in order to avoid a more costly and intensive level of care. Allocated 70% per capita, 30% catch–up funding. | 264,750 | 264,750 | 264,750 |
| **Substance Abuse Services** | | | |
| **Mental Health Study Commission Plans/Coalition 2001** | | | |
| (Effective July 1, 1994.) | | | |
| 21. **Crisis Prevention Services** — Funds to provide prevention/intervention services to substance abusing adults at risk of readmission to psychiatric hospitals or drug treatment centers. $75,000 grant to each area program; balance allocated 70% per capita, 30% catch–up funding. | 2,932,500 | 2,932,500 | 2,932,500 |
| **NON RECURRING NEEDS** | | | |
| 22. Funding for capital needs of Coalition 2001. (HB 1523/SB 1339) | 6,000,000 NR | 10,000,000 NR | 6,000,000 NR |
| 23. **Special Care Center** — Funds for computer equipment and software. (SB 1414/HB 1629) | 200,000 NR | 200,000 NR | 200,000 NR |
| 24. **Supportive Housing** — Funds to develop 100 units of service–enriched housing for persons with mental illness, developmental disabilities, alcohol or drug dependence or HIV–AIDS. | — | 6,400,000 NR | — |
| **Division of Facility Services** | | | |
| 1. **Certificate of Need** — Pursuant to Chapter 383 of 1993 Session Laws, replace CON fees with appropriations for support of the CON section and deposit fees as a non–tax revenue to the General Fund effective 7/1/94. The net effect to the General Fund is zero. | 782,953 | 782,953 | 782,953 |
| **Division of Vocational Rehabilitation** | | | |
| 1. **Independent Living Program** — Funds to develop and implement an Independent Living Program in Craven County and in Watauga County and to provide for one–time needs of the 11 existing Independent Living programs. (HB 1579/1647) | 1,362,000 (16) | — | 1,362,000 (16) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF HUMAN RESOURCES**
(Continued)

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Division of Youth Services** | | | |
| 1. Funding for a youth service camp for 15–17 year old juvenile offenders as an alternative to training schools. (HB 1892) | — | — | 383,000 |
| 2. **Detention Center Funds** — Funds for renovation and operation of the Buncombe Detention Center. (HB 2071) | 100,000 | — | 100,000 |
| 3. **Community and Youth Involvement Program** — Funds to develop parent support teams and tutorial programs for at–risk youth. (HB 2070; HB 1566) | 100,000 NR | — | 100,000 NR |
| **Division on Aging** | | | |
| 1. **Senior Centers Funds** — Funds for repairs, renovations, planning for construction, and construction of Senior Centers. Grants to be allocated based on need and capped at 10,000 per center. (HB 1572, HB 1758, HB 1705, HB 1690, HB 1879, SB 1313, SB 1345, SB 1518) | 100,000 NR | — | 500,000 NR |
| 2. **In Home Funds** — Funds to provide additional in–home services and caregiver support services. Funds shall be used for direct services only. (HB 1688) | 500,000 | — | 500,000 |
| 3. **Alzheimers Association of North Carolina** — Funds to support activities of 4 regional Alzheimers Chapters. (HB 276) | 100,000 NR | — | 100,000 NR |
| **TOTAL EXPANSION FUNDING** | **$96,972,190 $12,265,167 NR (269.2)** | **$84,832,178 $18,865,167 NR (40.2)** | **$99,239,507 $15,465,167 NR (269.2)** |

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(Pages 73–77)

**DEPARTMENT OF AGRICULTURE**

**BUDGET REDUCTIONS**

| | | | |
|---|---|---|---|
| **Marketing** | | | |
| 1. Reduce overtime and other operating expenses | ($70,212) | ($70,212) | (70,212) |
| **Pesticide Control and Analysis** | | | |
| 2. Reduce postage | (35,000) | (35,000) | (35,000) |
| 3. Decrease funding for pesticide disposal | (35,212) | (35,212) | (35,212) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF AGRICULTURE**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Veterinary Services** | | | |
| 4. Reduce laboratory supplies, field testing supplies and laboratory equipment | (54,349) | (54,349) | (54,349) |
| **Meat and Poultry Inspection** | | | |
| 5. Delete four positions and reduce related fringe benefits for State funding and receipts – #4411, #4686, #4453, and #4786 | | | |
| Total Requirement | (78,291) | (78,291) | (78,291) |
| Receipt | (27,320) | (27,320) | (27,320) |
| GF | (50,971) | (50,971) | (50,971) |
| | (–4) | (–4) | (–4) |
| **Seed Testing** | | | |
| 6. Delete salary and associated fringe benefits for the position # 6370 | (14,242) | (14,242) | (14,242) |
| | (–1) | (–1) | (–1) |
| **Plant Protection** | | | |
| 7. Reduce funds for office supplies, laboratory equipment, books and reserve for Gypsy Moth | ($20,864) | ($20,864) | ($20,864) |
| **Research Stations** | | | |
| 8. Decrease funding for livestock feed, other agricultural supplies, and repairs | (70,212) | (70,212) | (70,212) |
| **TOTAL REDUCTIONS** | **($378,382)** | **($378,382)** | **($378,382)** |
| **LESS REDUCTION IN RECEIPTS** | **(27,320)** | **(27,320)** | **(27,320)** |
| **REDUCTIONS – GENERAL FUND** | **(351,062)** | **(351,062)** | **(351,062)** |
| **TOTAL POSITION REDUCTIONS** | **(–5)** | **(–5)** | **(–5)** |
| **EXPANSION** | | | |
| 1. **Piedmont Triad Farmers Market** — Funding to provide operational support for the new Piedmont Triad Farmers Market scheduled to be completed and open 1995. | 277,210 R | 277,210 R | 277,210 R |
| | (8) | (8) | (8) |
| 2. **Marketing Specialist – Air Cargo Facility in Kinston** — Funding to provide a marketing specialist position at the Air Cargo Facility in Kinston. | 166,214 R | 166,214 R | – |
| | (1) | (1) | |
| 3. **Agriculture Finance Authority** — | | | |
| a. Funding is to provide the North Carolina Finance Authority funds to serve as a loan guarantee fund in order to obtain $1,000,000 of federal low cost energy conservation loans for farmers. | — | 250,000 NR | 175,000 NR |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF AGRICULTURE**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| b. Funding is for the Loan Reserve to make Agricultural loans to meet the continuing loan demands of farmers. | 500,000 NR | 250,000 NR | 1,000,000 NR |
| c. Office rent | — | — | 4,650 R |
| **Aquaculture Development Act Implementation** — | | | |
| 4. Additional funds are needed to further develop the aquaculture industry in North Carolina. This development will help diversity and strengthen the rural economy of the state. | 167,969 R (3) | 167,969 R (3) | 167,969 R (3) |
| **Pesticide Program Expansion** | | | |
| 5. Funds to continue the interagency groundwater study through 1994–95 and establish a monitoring program needed to support pesticide specific management plans, as mandated by EPA. | 766,708 R (16) | 766,708 R (16) | 766,708 R (16) |
| **N.C. Mountain Fair** | | | |
| 6. The need for an agricultural fair in Western North Carolina has been expressed by agricultural leaders in that region. The Western Agricultural Center plans to conduct the inaugural fair in the fall of 1994. Funding is to provide seed funds only for the development of the fair. (HB 1787) | 150,000 NR | — | 150,000 NR |
| **Mycotoxin Testing Program** | | | |
| 7. Funding for continuing mycotoxin testing of livestock feed to protect the health of livestock and meat producing animals. The 1993–94 General Assembly appropriated a one–time, non–recurring appropriation for this purpose. (HB 1558) | 110,000 R (2) | — | 110,000 R (2) |
| **Pseudorabies Program** | | | |
| 8. In order to continue the Pseudorabies program additional state funding will be needed. The federal government is withdrawing $300,000 from the program. | 300,000 R (5) | 300,000 R (5) | 300,000 R (5) |
| **Imported Fire Ant Control Support** | | | |
| 9. Funds are needed to provide personnel, supplies and logistics support for the survey and treatment of spot infestations of the imported fire ant out of the quarantine areas. (SB 1326) | 214,413 R | 214,413 R | 214,413 R |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF AGRICULTURE**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Agricultural Survey Program** | | | |
| 10. Funds to survey production, prices, and other economic data concerning turfgrass, equine, pesticides, orchards and vineyards and miscellaneous speciality commodities. (SB 866/HB 1525) | 134,600 R | 134,600 R | 134,600 R |
| **Grant–in–Aid** | | | |
| 11. **North Carolina Farm Bureau Foundation** — Funds for Agriculture in the Classroom, Inc., an educational program that works to develop a deeper appreciation for the state's agricultural industry. | 125,000 R | — | 125,000 R |
| **Capital Planning** | | | |
| 12. **Cattle and Livestock Exposition Center** — Planning funds for construction of facility to house livestock shows and exhibits, educational programs and a laboratory. | — | — | 50,000 NR |
| **TOTAL EXPANSION — RECURRING** | **$2,262,114** | **$2,027,114** | **$2,100,550** |
| **NON–RECURRING** | **$650,000** | **$5,700,000** | **$1,375,000** |
| **POSITIONS** | **(35)** | **(33)** | **(34)** |

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(Pages 78–86)

**DEPARTMENT OF COMMERCE**

**BUDGET REDUCTIONS**

| | | | |
|---|---|---|---|
| **Entrepreneurial Development Board** | | | |
| 1. Eliminate vacant positions and support. | ($181,843) (-3) | ($181,843) (–3) | ($181,843) (–3) |
| **Economic Development Board** | | | |
| 2. Reduce contracted personal services. | (15,419) | (15,419) | (15,419) |
| 3. Reduce operating costs – office supplies and materials, In–State travel and subsistence for the board, per diem, telephone service, postage, and printing and publications. | (7,360) | (7,360) | (7,360) |
| **International Development** | | | |
| 4. Reduce In–State subsistence and travel. | (7,186) | (7,186) | (7,186) |
| 5. Reduce printing costs. | (20,000) | (20,000) | (20,000) |
| 6. Reduce promotional advertising. | (20,000) | (20,000) | (20,000) |
| **N.C. Film Office** | | | |
| 7. Reduce printing funds. | (10,449) | (10,449) | (10,449) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF COMMERCE**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Industrial Commission** | | | |
| 8. Reduce data processing costs. | (31,074) | (31,074) | (31,074) |
| **Community Assistance** | | | |
| 9. General Fund support eliminates one position, including salary, fringe benefits, and related support costs. The position and related costs will be supported from federal Community Development Block Grant funds. | (45,000)<br>(–1) | (45,000)<br>(–1) | (45,000)<br>(–1) |
| **TOTAL REDUCTIONS** | **($338,331)** | **($338,331)** | **($338,331)** |
| **TOTAL POSITION REDUCTION** | **(–4)** | **(–4)** | **(–4)** |
| **EXPANSION** | | | |
| **Economic Development** | | | |
| 1. **Regional Commissions and Strategic Planning** — Funds to be placed in a reserve to establish additional economic development regions, fund regional economic development commissions and to establish a full–time coordinator for the economic development plan. | $2,200,000 R<br>(1) | $2,000,000 R<br>(1) | $2,200,000 R<br>(1) |
| 2. **Implement DOC EDIS/Regional Network** — Funds for economic development information system, annual strategic plans and video conference center. | 900,000 R<br>(7) | 900,000 R<br>(7) | 750,000 R<br>(7) |
| 3. **Audit Business Taxes/Tax Credits** — Funds are recommended to conduct an analysis of business–related taxes (including direct and indirect taxes and the effect of tax credits) to assess the impact on competitiveness. The audit should include but not be limited to the corporate tax rate, intangibles tax, worker's compensation rates, and special sales taxes. | 100,000 NR | 100,000 NR | 100,000 NR |
| **International Development** | | | |
| 4. **Additional Funds for Mexico Office** — Increased funding for the Mexico Office due to the extremely high cost of maintaining an office in a desirable location in Mexico City. The 1993 General Assembly appropriated $150,000 on a recurring basis for this office. | 100,000 R | 100,000 R | 100,000 R |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF COMMERCE**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Commerce Finance Center** | | | |
| 5. **Industrial Development Program** — Funds for Industrial Building Renovation Fund. | 1,000,000 R | 1,000,000 R | 500,000 R |
| **Business and Industry** | | | |
| 6. **Governor's Industrial Recruitment Competitive Fund** — Funds for the purpose of providing financial assistance to those businesses or industries deemed to be vital to the state economy and that are making significant efforts to locate or expand in North Carolina. The fund was appropriated $5.0 million in 1993–94. | 7,000,000 NR | 10,000,000 NR | 5,000,000 NR |
| **Industrial Commission** | | | |
| 7. **Industrial Commission Staff Expansion and Temporary Panels** — Funds to add four commissioner positions, four deputy commissioners positions, five law clerks and two legal secretaries. In addition, nonrecurring funds are needed for two temporary appeals panels to help alleviate the backlog cases to be heard. | 877,035 R<br>(15)<br>378,459 NR | 877,035 R<br>(15)<br>378,459 NR | 877,035 R<br>(15)<br>378,459 NR |
| 8. **Case Management Automation** — Additional funding to implement the Electronic Document System during FY 1994–95 and the next two fiscal years. Also provides automation personnel – 1 Application Programmer II, 2 Compute System Coordinators II, and 4 Data Processors II. | 189,847 R<br>(7)<br>2,234,950 NR | —<br>—<br>— | 189,847 R<br>(7)<br>2,234,950 NR |
| 9. **Safety Section** — Fund an additional Industrial Safety Representative II position | 29,635 R<br>(1)<br>3,100 NR | —<br>—<br>— | 29,635 R<br>(1)<br>3,100 NR |
| 10. **Workers' Compensation Reform** — Funds to establish an Ombudsman program to comply with Senate Bill 906. | 200,000 R | — | 300,000 R |
| 11. **Workers' Compensation Program** — Establish an Uninsured Employers' Injury Fund per SB 1185. | 300,000 R | 300,000 R | — |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF COMMERCE**
(Continued)

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Travel and Tourism** | | | |
| 12. **Tourism Program** — Funds to place N.C. on a basis comparable to our identified state competitors. Additional funds could be used to promote the state as a vacation group tour and convention destination. | 500,000 R | 600,000 R | 500,000 R |
| 13. Support for a Travel and Tourism Area Promoter. | 36,500 R (1) | 36,500 R (1) | — |
| 14. **Rural Tourism Development** — support for a grant program. | 400,000 NR | 400,000 NR | 200,000 NR |
| **Energy Division** | | | |
| 15. Funds to be used as a loan guarantee fund for the Small Business Energy Efficiency Loan Program | — | — | 75,000 NR |
| **DEPARTMENTAL RESERVES** | | | |
| 16a. **Economic Development Resource Center** — Funding is recommended for design and implementation of this activity which will make resources available across the state via telecommunications. Resources include access to state and federal loan and grant programs, and technical and financial assistance for businesses. | 100,000 NR | 100,000 NR | 100,000 NR |
| 16b. **Small Business Surety Bonds Program** — Funds for implementation of program placed in a reserve. Expenditures to be contingent upon ratification of House Bill 2057. | 1,000,000 NR | — | 1,000,000 NR |
| 17. Reserve for Economic Development Initiatives. Funding for projects in Columbus, Caswell, and Burke Counties. (SB 1319) | 750,000 NR | 1,500,000 NR | — |
| **OTHER DEPARTMENTS** | | | |
| 18. **Accelerate Environmental Permitting** — Funds are to accelerate the ongoing review of environmental permitting procedures to streamline administration and reduce delays. | EHNR | 50,000 NR | EHNR |
| 19. **Study Cost/Benefits of Environmental Regulations** — Funds are recommended to establish the protocol for assessing the economic costs and environmental benefits of new and existing regulations. | EHNR | 100,000 NR | — EHNR |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF COMMERCE**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 20. **Develop Methodology to Identify "Clean" Industries** — Funds to develop a methodology to identify, target, recruit, and birth industries that have a limited impact on the environment. | EHNR | 50,000 NR | EHNR |
| 21. **Polymer Extension Program** — Establish Polymer Extension Program at UNC–Charlotte. (SB1372). | 400,000 R | 400,000 R | — |
| 22. **Wastewater Grant Program for High Unit Cost Areas** — Provide additional grants for high unit cost areas to reduce the cost of providing new and expanded wastewater treatment capacity in low wealth areas. Used consistently with bond funds. | EHNR | 5,000,000 NR | — |
| **Grants–in–Aid** | | | |
| 23. **North Carolina Coalition of Farm and Rural Families, Inc.** — These funds are used to foster economic development within the state's rural farm communities by offering financial, marketing, and technical assistance to small and limited resource farmers. | 250,000 NR | 250,000 NR | 250,000 NR |
| 24. **Land Loss Prevention Project, Inc.** — Funds to provide free legal representation to financially–distressed small farmers through the Land Loss Prevention Project, Inc. | 300,000 NR | 300,000 NR | 300,000 NR |
| 25. **N.C. Institute for Minority Economic Development** — Funds are to foster minority economic development within the state through policy analysis, information and technical assistance, and resource expansion though the North Carolina Institute for Minority Economic Development, Inc. | 700,000 NR | 550,000 NR | 700,000 NR |
| 26. **World Trade Center** — The Research Triangle Park World Trade Center is a nonprofit comprehensive service organization which fosters global trade by conducting county–specific and/or industry–specific seminars and providing assistance and planning for worldwide business activities. Funds are to support the activities of its teleconferencing and computer information center, audio–visual classroom, and library. | 294,000 NR | 100,000 NR | 294,000 NR |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF COMMERCE**
(Continued)

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 27. **Center for Community Self–Help** — Funds to expand statewide home ownership lending program. | 5,000,000 NR | 2,500,000 NR | 5,000,000 NR |
| 28. **Yadkin/Pee Dee Lake Project** — This project has evolved from a six–county regional planning study into a recently incorporated nonprofit organization for the purpose of promoting regional economic development. Funds are recommended to support start–up costs of the organization. | 250,000 NR | 250,000 NR | — |
| 29. **Year of the Mountain** — Funds for Western North Carolina Tomorrow for planning and coordination. (HB 1735/SB 1360) | 25,000 NR | — | 25,000 NR |
| **TOTAL EXPANSION – RECURRING** | **$6,333,017** | **$5,913,535** | **$5,446,517** |
| **NON– RECURRING** | **$18,785,509** | **$21,628,459** | **$15,660,509** |
| **TOTAL POSITIONS** | **(32)** | **(24)** | **(31)** |

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**MICROELECTRONICS CENTER OF NORTH CAROLINA**

| | | | |
|---|---|---|---|
| 1. **Migration of Current Network to NCIHS** — Funds to cover the costs of connection to and operating on the North Carolina Information Highway. Additionally, recognizing the need for universities and research centers to continue to have the capability currently available through North Carolina Research and Education Network until the Information Highway is fully operational, this is to provide funds for program support for the current network. | 1,900,000 R | 1,313,000 R | 1,900,000 R |
| 2. **Upgrade Supercomputing Capability** — Funds are recommended to upgrade the supercomputing capability at the North Carolina Supercomputing Center. The current supercomputer is becoming noncompetitive with available leading edge technology and is expected to become obsolete by 1995. | 2,000,000 R | 2,000,000 R | 2,000,000 R |
| **TOTAL EXPANSION – RECURRING** | **$3,900,000 R** | **$3,313,000** | **$3,900,000** |

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| NORTH CAROLINA BIOTECHNOLOGY CENTER | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 1. **Biotechnology Initiative for Minority Universities** — The 1993 General Assembly appropriated $1.0 million to be used to develop a special biotechnology program initiative for North Carolina's Public Historically Black Universities and Pembroke State University. Funds are to continue building upon the basic biotechnology foundation established by these institutions in 1993–94. | 1,000,000 R<br>1,000,000 NR | 1,000,000 R<br>— | 1,000,000 R<br>1,000,000 NR |

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(Pages 89–90)

| RURAL ECONOMIC DEVELOPMENT CENTER | | | |
|---|---|---|---|
| 1. **New and Emerging Community Development Corporations** — Funds to provide grants to new and emerging local community development corporations. Community development corporations, or CDCs, are private, nonprofit community–based corporations that promote economic and community development and positive cash flow. | 1,300,000 NR | 1,300,000 NR | 1,300,000 R |
| 2. **North Carolina Community Development Initiatives, Inc.** — Funds to provide grants to mature community development corporation have demonstrated project and organizational capacity. | 2,000,000 R<br>175,000 NR | 2,000,000 NR<br>— | 2,000,000 R<br>175,000 NR |
| 3. **Microenterprise Loan Program** — The Microenterprise Loan Program provides grants to local entities (usually councils of governments or community development corporations) in order for those entities to become micro–lending sites for individuals with barriers to receiving traditional loans. This recommendation provides recurring support of the grant fund and program operations. | 650,000 NR | 650,000 NR | 650,000 NR |
| 4. **Minority Credit Union Support Center** — Funds for the Minority Credit Union Support Center. The Center provides technical assistance to community–based minority credit unions. | 300,000 NR | 300,000 NR | 300,000 NR |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**RURAL ECONOMIC DEVELOPMENT CENTER**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 5. **Capacity Building Grants Program** — Funds to continue funding of the Capacity Building Grants program to provide funds to depressed counties and municipalities to enable them to acquire short–term capacity for immediate needs for economic development planning (such as needs assessment, engineering and grants writing). | $600,000 NR | $600,000 NR | $1,000,000 NR |
| 6. **Small Business Finance Initiatives (N.C. Capital Access)** — Funds to support for a new business finance initiative called the North Carolina Capital Access Program. State funds will be used as loan capital and loss reserves to leverage private and federal funds to finance small business. | 1,000,000 NR | — | 1,000,000 NR |
| 7. **Supplemental Funding Pilot Project** — Continue pilot program to provide funds for matching requirements for economic development in economically depressed areas. | 1,650,000 NR | 1,650,000 NR | 1,650,000 NR |
| 8. **Opportunities Industrialization Centers** — Continue funding for three centers that serve Wilson, Rocky Mount, and Pitt–Greenville. Also provide new funding for center that serves Lenoir, Greene and Jones Counties. | 100,000 R | 100,000 R | — |
| **TOTAL EXPANSION – REDC** | | | |
| **– RECURRING** | **$2,100,000** | **—** | **$3,300,000** |
| **– NON–RECURRING** | **$5,675,000** | **$6,600,000** | **4,775,000** |
| **Technological Development Authority** | | | |
| 1. Funds to continue statewide entrepreneurial infrastructure, specifically buildings that provide space and support services for small businesses in the early stages of development. | 1,250,000 NR | 2,500,000 NR | |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**

(Pages 91–102)

| DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **BUDGET REDUCTIONS** | | | |
| **POSITION REDUCTIONS** | | | |
| 1. Eliminate positions and reduce related fringe benefits in each of the following divisions: | | | |
| Forest Resources (2), Parks and Recreation (1), N.C. Aquariums (1), Maternal and Child Health (2), Nutrition Services (3), Office of Waste Management (1), Environmental Management (2), Land Resources (1), Solid Waste Management (1). | (417,701) (–14) | (424,901) (–14) | (417,701) (–14) |
| Soil and Water Conservation (1) | (53,281) (–1) | (53,281) (–1) | — |
| Forestry Aircraft Mechanic (1) | — — | (32,074) (–1) | |
| **Environmental Health** | | | |
| 2. Reduce support for mosquito control in counties and cities. | — | (100,000) | — |
| **Adult Health** | | | |
| 3. Adjust funds in the Cancer Program. | (150,000) | (150,000) | (150,000) |
| **Coastal Management** | | | |
| 4. Reduce funds for other contracts, grants, and education. | (20,000) | (20,000) | (20,000) |
| **Land Resources** | | | |
| 5. Reduce travel costs. | (10,850) | (10,850) | (10,850) |
| **Epidemiology** | | | |
| 6. Reduce pharmaceuticals. | (152,232) | (152,232) | (152,232) |
| **Forest Resources** | | | |
| 7. Eliminate air tanker program | (135,000) | (135,000) | (135,000) |
| **Solid Waste Management** | | | |
| 8. Reduce office supplies and materials, and in–state travel and subsistence funds. | (49,765) | (49,765) | (49,765) |
| 9. **Office of Waste Reduction** — Reduce printing and binding. | (7,200) | *** | (7,200) |
| **Division of Parks and Recreation** | | | |
| 10. A. **Eliminate Reserve.** In 1993, the State Parks Division submitted a continuation and expansion request for Lumber River State Park. As a result, both requests were inadvertently approved and certified. This reduction eliminates the reserve established in the continuation budget for Lumber River State Park. | (227,786) | (227,786) | (227,786) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Division of Parks and Recreation** (Continued) | | | |
| B. **Increase State Parks Receipts.** It is recommended that additional receipts collected at the State Parks for activities such as campground rental fees, marina, sales, bathhouse fees and refreshment sales be budgeted and thereby reduce general fund appropriations. | (88,526) | (88,526) | (88,526) |
| **Carolina Zoological Park** | | | |
| 11. A reserve was established in the 1993–95 biennium budget for the North Carolina Zoo to establish positions for the opening of North America. It has been determined that the Zoo does not need as many positions as previously estimated. This reduction will reduce the reserve for 1994–95 by $248,160. | (248,160)<br>(–14) | (248,160) | (248,160)<br>(–14) |
| **Maternal and Child Health** | | | |
| 12. Due to continued expansion of Medicaid services and funds as well as an inflation rate that has been less than originally projected, state funds can be reduced in the Maternal and Child Health program. No reduction in services will result in this budgetary change. | (1,240,058) | (1,240,058) | (1,240,058) |
| **Albemarle Pamlico Estuarine Study** | | | |
| 13. Funding for the Albemarle Pamlico Estuarine Study can be reduced by $494,458. The study has been completed and the management report will be delivered by June 30, 1994. | (494,458) | (494,458) | (494,458) |
| **Children's Special Health Services** | | | |
| 14. Savings as a result of providing funds to expand Medicaid coverage for children age 11 to 19 under 100% of federal poverty guidelines. | (2,800,000) | (2,800,000) | (2,800,000) |
| **TOTAL REDUCTIONS** | **$6,095,017** | **($6,227,091)** | **($6,041,736)** |
| **TOTAL POSITIONS** | **(–29)** | **(–16)** | **(–28)** |
| **EXPANSION** | | | |
| **Division of Maternal and Child Health** | | | |
| 1. **Replace Lost Block Grant Funds** — Funding to replace the loss of Maternal and Child Health Block Grant federal funds. | $1,392,889 R | $1,392,889 R | $1,392,889 R |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Division of Maternal and Child Health** (Continued) | | | |
| 2. **Women's Health Services** — Funds to provide long–term, reversible contraceptive devices or drugs to eligible women. | 750,000 R | — | 750,000 R |
| 3. **Assist Young Children with Disabilities** — Funds to expand the provision of special therapy and assistive technology services to young children with disabilities. Effective February, 1995 | 951,000 R (13) | 1,131,000 R (13) | 951,000 R (13) |
| 4. **Infant Mortality** | | | |
| (a) Funds to support demonstration grants with a goal of lowering infant mortality rates and percent of low birthweight babies among minority populations. (HB 1820) | 750,000 R | — | $750,000 R |
| (b) Continued funds to support "FIRST STEP" – a campaign and hotline to reduce infant mortality. (HB 1830) | 150,000 R | — | 150,000 R |
| 5. **Children's Services** — Funds to provide a grant–in–aid to the Board of Governors of the University of North Carolina for a program at the School of Medicine at the University of North Carolina at Chapel Hill to implement the "Cocklear Implant" procedure and other services for deaf children. | 100,000 NR | — | 400,000 NR |
| 6. **Child Fatality Prevention System** — Funds to continue operation of the Child Fatality Task Force. (HB 1867) | 85,000 NR | — | 85,000 NR |
| 7. **Sickle Cell** — Grant–in–Aid. (HB 1256) | 500,000 NR | — | 500,000 NR |
| **Adult Health** | | | |
| 8. **Adult Health** — Funds to support the Cancer Control Advisory Council. | 50,000 R | 50,000 R | — |
| **Local Health Services** | | | |
| 9. **Local Boards of Health** — Continue Grant–in–Aid for continued training of local Boards of Health officials. (HB 1271) | 100,000 R | — | 100,000 R |
| 10. **Office of Minority Health** — Funds to continue program. (HB 1737) | 100,000 R (1) | — | 100,000 R (1) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES**
(Continued)

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Epidemiology** | | | |
| 11. **HIV/STD/TB Prevention Services** — Funds to support the expansion of existing Community Based Organizations to enhance the State HIV/STD/TB program. | 500,000 R<br>(1) | — | 500,000 R<br>(1) |
| 12. **HIV/AIDS Training and Education** — Funds to train Probation and Parole personnel and provide brochures for inmates. (HB 1911) | 49,679 R | — | 49,679 R |
| **Governor's Council for Physical Fitness** | | | |
| 13. **State Games of North Carolina** — Funds for grant. | 160,000 NR | — | 160,000 NR |
| 14. **License Review for Low Level Radioactive Waste Management Facility** — Additional funding to complete the site characterization and licensing application for the low level radioactive waste facility. | | | |
| A. **Groundwater** — support to continue to pay the contractor costs associated with site characterization and licensing application. The review of the characterization phase and the beginning of the license review phase of the process have required changes and additions to the original scope of the contract and estimates of cost. | 335,000 NR | 335,000 NR | 335,000 NR |
| B. **Geological Survey Section** — Operating funds to enable the Section to assist the Division of Radiation Protection in the LLRW license application review and performance assessment. | 25,000 NR | 25,000 NR | 25,000 NR |
| C. **Division of Radiation Protection** — Funds to provide a performance assessment contract and for contractor assistance in license application review. Also, support to hire a health physicist to review license applications and amendment requests to use radioactive materials, make required inspections, and provide technical assistance. | 53,899 R<br>(1)<br>367,000 NR | 53,899 R<br>(1)<br>367,000 NR | 53,899 R<br>(1)<br>367,000 NR |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Environmental Management** | | | |
| 15. **Environmental Management** — Funds to support mandated pesticide state management and to continue 25,000 analyses annually. | 168,313 R (4) | 168,313 R (4) | 168,313 R (4) |
| 16. **Basinwide Management** — Funding for protecting and improving water quality through the Division of Environmental Management's basinwide management program. | 500,000 R (8) | 500,000 R (8) | 500,000 R (8) |
| 17. **Develop Methodology to Identify "Clean" Industries (Study)** Funds to develop a methodology to identify, target, recruit, and birth industries that have a limited impact on the environment. | 50,000 NR | Commerce | 50,000 NR |
| 18. **Accelerate Environmental Permitting** — Funds are to accelerate the ongoing review of environmental permitting procedures to streamline administration and reduce delays. | 25,000 NR | Commerce | 25,000 NR |
| 19. **Study Cost/Benefits of Environmental Regulations** — Funds are recommended to establish the protocol for assessing the economic costs and environmental benefits of new and existing regulations. | 100,000 NR | Commerce | — |
| **Environmental Health** | | | |
| 20. **On–site Waste Water** — Fund county alternative on–site sewage system demonstration project in Eastern North Carolina. Establish prior to 1990. (HB 2053) | 25,000 NR | — | 25,000 NR |
| 21. **Wastewater Grant Program for High Unit Cost Areas** — Provide additional grants for high unit cost areas to reduce the cost of providing new and expanded wastewater treatment capacity in low wealth areas. Used consistently with bond funds. | 2,000,000 NR | Commerce | — |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Radiation Protection** | | | |
| 22. **Tanning Facilities** — The Department has established annual fees for registered tanning operators to cover the anticipated costs of tanning equipment inspection and enforcement activities of the agency as authorized by G.S. 104E–9 (a)(8). This budgets the fees to be collected | | | |
| Requirements | 220,929 | — | 220,929 |
| Receipts | 220,929 | — | 220,929 |
| Appropriations | 0 | — | 0 |
| Number of Positions | (5) | — | (5) |
| **Coastal Resources** | | | |
| 23. **Partnership for the Sounds** — Funding for continuing the development of the Partnership for the Sounds project started in 1993. (SB 1352) | 367,250 R | 367,250 R | — |
| | 2,700,000 NR | 2,700,000 NR | — |
| **Forest Resources** | | | |
| 24. Support for a Forest Ranger in Warren County. | 30,000 R | 30,000 R | — |
| | (1) | (1) | — |
| 25. Fund state share of Assistant County Ranger for Alleghany County and Graham County. | 32,000 R | — | 32,000 NR |
| | (2) | | (2) |
| 26. Funds for temporary Foresters in the Best Management Practices Program. | 100,000 NR | — | 100,000 NR |
| **Parks and Recreation** | | | |
| 27. Provide funds to study the feasibility of developing the Mountain Island Lake area as a regional park. | 15,000 NR | 15,000 NR | — |
| 28. Reserve for Capital Projects. | 1,000,000 R | — | 5,000,000 R |
| **Soil and Water** | | | |
| 29. One–time funds to purchase equipment and furnishings ($2,000 per county). | 200,000 NR | 200,000 NR | — |
| 30. Funds for the NC Association of Soil and Water Conservation Districts to support the National Envirothon meeting in Asheville (HB 1792) | 25,000 NR | 25,000 NR | 25,000 NR |
| 31. Fund additional soil scientist positions (HB 1930). | 103,000 NR | — | 103,000 R |
| | (3) | | (3) |
| 32. **Animal Waste Management** — Funds to implement the Environmental Management Commission's animal waste regulations. | 180,000 R | — | 180,000 R |
| | (3) | | (3) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Division of Marine Fisheries** | | | |
| 33. Funding to replace seaplane for law enforcement operations. | 120,000 NR | 120,000 NR | 120,000 NR |
| 34. Funding to increase biological, technical and law enforcement staff to comply with the Atlantic States Marine Fisheries Commission management plans of monitoring and data collection activities and provide data processing equipment, | 722,431 R | — | 722,431 R |
| motor vehicles, boats, trailers, and other | (15) | — | (15) |
| equipment. | 291,546 NR | — | 291,546 NR |
| 35. (a) Funds for administrative support and expenses of the Blue Ribbon Advisory Council on Oysters | 100,000 R | 100,000 R | — |
| (b) Funds for personnel and administrative expenses for the Fisheries Data Information System pursuant to G.S. 113–154.1. | 200,000 R | 200,000 R | — |
| (c) Funds for Fisheries Resource Grant Program. | 1,000,000 R | 1,000,000 R | — |
| (d) Funds for Tyrrell County office for crab fisheries research and technical assistance | 233,441 R | 233,441 R | — |
| | (4) | (4) | |
| 36. Funds for artificial reef clean–up in Brunswick County. (HB 1539/SB 1537) | 200,000 NR | — | 200,000 NR |
| **Museum of Natural Science** | | | |
| 37. Funds for planning and operations of the museum. | 150,000 R | — | 150,000 R |
| | (2) | — | (2) |
| 38. **Grassroots Science Initiative** — Grants–in–Aid for regional science museums to promote outreach science projects for unserved communities. (SB 1351) | 450,000 R | 450,000 R | 300,000 R |
| **Aquariums** | | | |
| 39. **Aquariums** — The 1993 General Assembly authorized North Carolina Aquariums Commission and the Secretary to adopt a fee schedule for the state's public aquariums. The legislation states that the Secretary of Department of Environment, Health and Natural Resources may expend monies from the receipts of admission fees only upon the authorization of the General Assembly for repair, maintenance, and educational exhibit construction. | | | |
| Requirements | 2,282,000 | 2,282,000 | 2,282,000 |
| Receipts | 2,282,000 | 2,282,000 | 2,282,000 |
| Appropriation | 0 | 0 | 0 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Wildlife Resources** | | | |
| 40. **Wildlife Management Depot** — Transfer from EHNR for construction of facility to serve Macon, Jackson, and Swain Counties; land has been donated by Macon County. (HB 1733/SB 1364) | 80,000 NR | — | 80,000 NR |
| 41. **Beaver Control** — Funds to be transferred to Wildlife Resources Commission to add 12 counties to the pilot program. | 150,000 R | 60,000 R | — |
| **Solid Waste Management** | | | |
| 42. Solid Waste Management Grants | 500,000 NR | 1,000,000 NR | — |
| **TOTAL EXPANSION – RECURRING** | **$10,130,902** | **$5,736,792** | **$11,953,211** |
| **– NON – RECURRING** | **$8,106,546** | **$4,787,000** | **$2,788,546** |
| **– RECEIPTS** | **$2,502,929** | **$2,282,000** | **$2,502,929** |
| **TOTAL POSITIONS** | **(63)** | **(31)** | **(53)** |

(Pages 103–104)

**DEPARTMENT OF LABOR**

| | | | |
|---|---|---|---|
| **BUDGET REDUCTIONS** | | | |
| 1. Increase receipts to support indirect cost and reduce state funding. | ($100,000) | ($100,000) | ($100,000) |
| 2. Increase Elevator Inspection Fees. | (59,546) | (59,546) | (59,546) |
| **TOTAL REDUCTIONS** | **($159,546)** | **($159,546)** | **($159,546)** |
| **EXPANSION** | | | |
| 1. **Computer Network** — Provide funds to complete expansion of computer network. | 750,000 NR | 750,000 NR | 750,000 NR |
| 2. **Ergonomics Center** — Funds to establish the center. Provides support for 15 positions: Ergonomics Center Liaison, Director and Secretary effective 7–1–94; Senior Ergonomist, 2 Staff Ergonomists, Nurse and Technician effective 10–1–94; and Senior Ergonomist, 2 Staff Ergonomists, Physical Therapist, Writer/Editor, Media Specialist, and Programmer effective 1–1–95. | | | |
| Requirements | 1,091,016 | 1,301,016 | 1,091,016 |
| Receipts (Univ.) | 400,000 | 400,000 | 400,000 |
| Appropriation | 691,016 R | 901,016 R | 691,016 R |
| | (15) | (15) | (15) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF LABOR**
(Continued)

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 3. **Departmentwide** — Expand personnel effective October 1, 1994 in Budget and Management – Accountant II; Human Resources – EEO Officer; OSHA – Equipment Manager; and Standards and Inspections – Research Analyst. | 113,596 R<br>(4) | — | 113,596 R<br>(4) |
| 4. **Wage and Hour Division** — Increase Receptionist positions to manage expanded use of toll–free hotline. | 43,712 R<br>(2)<br>5,240 NR | — | 43,712 R<br>(2)<br>5,240 NR |
| 5. **Communications Division** — Provide support staff for the Library – Clerk–Typist III. | 24,056 R<br>(1)<br>2,410 NR | — | 24,056 R<br>(1)<br>2,410 NR |
| 6. **Workplace Retaliatory Discrimination Division** — Fund Clerk III position due to increase in caseload. | 22,586 R<br>(1)<br>3,400 NR | — | 22,586 R<br>(1)<br>3,400 NR |
| 7. **Boiler and Pressure Vessel Division** — Add Boiler Inspector and Clerk III positions due to increase in mandatory inspections. | | | |
| Required | 69,448 | — | 69,448 |
| Receipt | 69,448 | | 69,448 |
| **GF** | **0** | | **0** |
| | (2) | | (2) |
| 8. **Agricultural Safety and Health Division** — Provide permanent funding for part–time positions to inspect migrant housing – 4 Safety Officers and a Clerk–Typist | 64,221 R<br>(5) | — | 64,221 R<br>(5) |
| **TOTAL EXPANSION** | | | |
| **– RECURRING** | **$959,187** | **$901,016** | **$959,187** |
| **– NON–RECURRING** | **$761,050** | **$750,000** | **$761,050** |
| **RECEIPTS** | **$469,448** | **$400,000** | **$469,448** |
| **TOTAL POSITIONS** | **(30)** | **(15)** | **(30)** |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
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| **HOUSING FINANCE AGENCY** | **Agreed Items** | **Senate 1994–95** | **House 1994–95** |
|---|---|---|---|
| 1. **Increasing Housing Trust Fund** — The Housing Trust Fund is the only state funded, designed, and administered program to help very–low income households with their housing needs. Funds are to continue to assure the availability of affordable housing for special need individuals, rural housing and the very low income population. | 4,000,000 NR | 2,500,000 NR | 5,000,000 NR |
| 2. **HOME Program** — The Federal Home Investment Partnership Program provides the state with funds for a variety of affordable housing activities. These funds are matched by state funds on a 25% basis. Projected federal funds for 1994–95 should be $13.8 million requiring a match of $3.45 million. The available match funding is only $2.3 million, therefore an additional $1.15 million is needed to provide adequate state matching funds. | 1,150,000 NR | 1,150,000 NR | 1,150,000 NR |
| **TOTAL EXPANSION – NON–RECURRING** | **$5,650,000** | **$3,650,000** | **$6,150,000** |

(Pages 106–115)

**HIGHWAY FUND AVAILABILITY**

| | | | |
|---|---|---|---|
| **BEGINNING CREDIT BALANCE:** | | | |
| (Governor's Recommended Budget) | | | |
| Overcollections | $23,500,000 | $23,500,000 | $23,500,000 |
| Reversions | 11,500,000 | 11,500,000 | 11,500,000 |
| | $35,000,000 | $35,000,000 | $35,000,000 |
| **ADJUSTMENTS TO CREDIT BALANCE:** | | | |
| Reduction in Reversions (Driver Ed) | (1,500,000) | (1,500,000) | (1,500,000) |
| Increase in Overcollections* | 7,000,000 | 7,000,000 | 7,000,000 |
| **REVISED CREDIT BALANCE** | **$40,500,000** | **$40,500,000** | **$40,500,000** |
| Increased Revenue in FY 1994–95 | 18,000,000 | 18,000,000 | 18,000,000 |
| Base Budget Reductions | 5,350,434 | 1,450,000 | 10,802,080 |
| **TOTAL AVAILABLE FOR EXPANSION BUDGET** | **$63,850,434** | **$59,950,000** | **$69,302,080** |

* The Office of State Budget and Management (OSBM) and the Fiscal Research Division of the General Assembly have agreed that overcollections in the Highway Fund in FY 1993–94 will be $30.5 million. Approximately 20% of the $7 million in additional funds must be used for Powell Bill and Secondary Roads.

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF TRANSPORTATION**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **CONTINUATION BUDGET CHANGES:** | | | |
| 1. Reduce SIPS Payments — Reduce payments to State Information Processing Services (SIPS) due to reduction in unit charges for services (0220–2354). | ($800,000) | ($800,000) | ($800,000) |
| 2. Eliminate Drivers License Positions — Abolish 55 Drivers License positions in September 1994 due to implementation of new computer system (0530 – various) | (650,000)<br>(–55) | (650,000)<br>(–55) | (650,000)<br>(–55) |
| 3. Reduce Debt Service — Reduce debt service payments due to debt refinancing | (33,255) | – | (33,255) |
| 4. Reduce Federal–Aid Match — Reduce state matching funds from the Highway Fund for federal aid. Two–thirds of the federal aid is now matched by revenues of the Highway Trust Fund. This would increase the Trust Fund match from $62 million to $65.9 million. | (3,867,179) | – | (8,406,415) |
| 5. Reduce Retirement Rate — Reduce retirement rate paid for Highway Fund positions. | | | (912,410) |
| **TOTAL BUDGET REDUCTIONS** | **($5,350,434)**<br>**(–55)** | **($1,450,000)**<br>**(–55)** | **($10,802,080)**<br>**(–55)** |
| **EXPANSION BUDGET:** | | | |
| **Transportation Administration** | | | |
| 1. Increase Aviation Funds — Increase the funds needed to reimburse the Equipment Fund for aircraft rental ($255,000) and fuel ($89,000). An additional $75,000 in receipts are anticipated. | $344,000<br>(75,000)<br>$269,000 | $344,000<br>(75,000)<br>$269,000 | $344,000<br>(75,000)<br>$269,000 |
| 2. New Telephone System — Replace the telephone systems in the Transportation Building (formerly Highway Building). | 332,000 NR | 332,000 | 332,000 |
| **TOTAL — TRANSPORTATION ADMINISTRATION** | **$601,000** | **$601,000** | **$601,000** |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF TRANSPORTATION**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **Construction Program** | | | |
| 3. **Increase Secondary Road Construction** — Increase funding for secondary road construction based on increased gasoline sales. This fund receives 1.75 cents from each gallon of gasoline that is taxed. | 4,300,000 NR | 4,300,000 | 4,300,000 |
| NR = Non–recurring | | | |
| **Maintenance Program** | | | |
| 4. **Increase Maintenance** — Increase funding for maintenance on the following systems: | | | |
| Contract Resurfacing | 1,627,392 | – | 1,627,392 |
| Primary | 3,027,294 | 3,027,294 | 3,027,294 |
| Secondary | 5,305,273 | 5,305,273 | 5,305,273 |
| Urban | 3,875,220 | 796,620 | 3,875,220 |
| | **$13,835,179 NR** | **$9,129,187** | **$13,835,179** |
| **Ferry Operations** | | | |
| 5. **Increase Ferry Budget** — Increase the Ferry operational budget due to an increase in vessels, an increase in schedules and requirements mandated by the U.S. Coast Guard. | 2,000,000 | 2,000,000 | 2,000,000 |
| 6. **Ferry Projects** — Increase Ferry funds to support the following expenses: | | | |
| a) Acquire crew member uniforms (will also utilize funds available for uniform rental for the purchase) | 21,000 | 21,000 | 21,000 |
| b) Pay consultant to study feasibility of building ferries in North Carolina | 30,000 | 30,000 | 30,000 |
| c) Replace outdated highway signs marking ferry installations | 60,000 | 60,000 | 60,000 |
| d) Install air purifiers on selected ferries | 20,000 | 20,000 | 20,000 |
| e) Provide temporary restrooms at Hatteras South Dock | 10,000 | 10,000 | 10,000 |
| | 141,000 NR | 141,000 | 141,000 |
| **TOTAL – FERRY OPERATIONS** | **$2,141,000** | **$2,141,000** | **$2,141,000** |
| **State Aid** | | | |
| 7. **Increase Powell Bill** — Increase State Aid to Municipalities (Powell Bill) based on increased gasoline sales. This fund receives 1.75 cents from each gallon of gasoline that is taxed. | 4,300,000 NR | 4,300,000 | 4,300,000 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF TRANSPORTATION**

| (Continued) | Agreed Items | | Senate 1994–95 | House 1994–95 |
|---|---|---|---|---|
| 8. **Increase Public Transit Grants** — Increase grants for Public Transit in the following categories: | | | | |
| Urban Transit Maintenance Assistance | 3,000,000 | | 3,000,000 | 3,000,000 |
| Elderly and Disabled Transit Assistance | 500,000 | | 500,000 | 500,000 |
| Rural General Public Assistance | 300,000 | | 300,000 | 300,000 |
| Human Service Capital Assistance | 600,000 | | 600,000 | 600,000 |
| Human Service Transportation Management | 400,000 | | 400,000 | 400,000 |
| Public Transportation Grant Program | 1,000,000 | | 1,000,000 | 1,000,000 |
| | 5,800,000 | NR | 5,800,000 | 5,800,000 |
| 9. **Increase State Aid for Railroads** — Increase state aid for railroad improvements such as railroad rehab on short line railroads and construction of rail spurs for industrial access. | 400,000 | NR | 400,000 | 400,000 |
| **TOTAL – STATE AID** | **$10,500,000** | | **$10,500,000** | **$10,500,000** |
| **Division of Motor Vehicles** | | | | |
| 10. **Problem Driver Pointer System** — Create a new system mandated by the National Highway Safety Administration that must be implemented during FY 94–95. The Problem Driver Pointer System will allow DMV to track problem drivers through a national on–line computer system. The funds will pay for required programming and consultant fees. | 250,000 | NR | 250,000 | 250,000 |
| 11. **DMV Enforcement** — Fund the following items in the DMV Enforcement Unit: | | | | |
| Increased mileage for existing vehicles due to rest area patrol | 533,491 | | 533,491 | 533,491 |
| Overtime pay due to rest area patrol | 150,470 | | 150,470 | 150,470 |
| Mileage for 100 additional cars | 680,265 | | 769,539 | 632,646 |
| Equipment (sirens, radios, lights,etc.) for additional cars* | 313,000 | NR | 363,834 | 291,090 |
| Additional sets of PAT electronic low–profile portable scales* | 900,000 | NR | 1,350,000 | 837,000 |
| Additional training | 77,500 | | 77,500 | 77,500 |
| | 2,654,726 | | 3,244,834 | 2,522,197 |
| 12. **Increased Attorney General Fees** — Pay for the attorney services needed by DMV for workload related to the Driver License Section. (To be added to $25,000 in base budget) | 25,000 | | 25,000 | 25,000 |

* Governor's and Senate figures based on 120 additional carts and 150 sets of scales; House budget based on 93 cars and 93 sets of scales. Agreed amount is 100 additional cars and 100 sets of scales.

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF TRANSPORTATION**

| (Continued) | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 13. **Automation Training for Driver License Employees** — Fund the training of 400 Driver License employees on new Driver License Computer system. | 120,000 NR | 120,000 | 120,000 |
| 14. **Increased Costs for Photo Equipment** — Fund the increased costs associated with the Driver License Section's contract for photographic equipment. | 189,000 NR | 189,000 | 189,000 |
| 15. **Branch Agent Fees** | | | |
| (a) Fund a budget shortage based on increased number of transactions completed by branch agents. | 500,000 | 500,000 | 500,000 |
| (b) Increase the branch agent transaction rate from 92¢ to $1.00. | 627,968 | 627,968 | – |
| 16. **One Stop Shop** — Fund a pilot program to streamline and improve all motor carrier agency operations and allow carriers to obtain all credentials from one location. Add one IRP Governmental Accounts Auditor I as program coordinator. | 151,326 (1) | 151,326 (1) | 119,979 |
| 17. a) **Emissions Program Computer Matching System** — Establish system to match the Vehicle Registration Master data base against the Emission data base to ensure that the state will meet its federally mandated Inspection and Maintenance requirements. | 230,000 NR | 230,000 | 230,000 |
| b) **DMV Computers** – Fund computers used for compliance with diesel fuel tax requirements | 0 | 139,000 | 0 |
| 18. **Window Glazing Program** — Enable DMV to implement a program for windshield stickers for tinted windows of vehicles that meet the color, light transmittance, and reflectance requirements in HB 1854. | 5,000 NR | – | 25,000 |
| **TOTAL – DMV** | **$4,753,020 (1)** | **$5,477,128 (1)** | **$3,981,176** |
| <u>Other State Agencies</u> | | | |
| 19. **Fuel Tax Positions** — Fund three data entry positions for fuel tax evasion program in the Department of Revenue. | 71,968 (3) | 71,968 (3) | 71,968 (3) |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**DEPARTMENT OF TRANSPORTATION**

| (Continued) | Agreed Items | | Senate 1994–95 | House 1994–95 |
|---|---|---|---|---|
| 20. **Leaking Underground Storage Tanks** — Increase funds for the LUST Trust Fund in the Department of Environment, Health and Natural Resources due to increase in gasoline sales. | 928,032 | | 928,032 | 928,032 |
| 21. **North Carolina Global Transpark Authority** — Fund an environmental impact statement ($1.82 mil), advance planning of an electronic data interchange system ($425,000), the design of local projects related to the Transpark ($300,000), joint planning with Department of Defense ($275,000) and on–site training for tenant firms ($50,000). | 2,870,000 | NR | 2,870,000 | 2,120,000 |
| 22. **Highway Patrol** — Establish 45 State Highway Patrol troopers; cars and equipment included in first year costs. | 2,735,235<br>(45) | | –<br> | 4,558,725<br>(75) |
| | **$6,605,235**<br>**(48)** | | **$4,370,000**<br>**(3)** | **$7,678,725**<br>**(78)** |
| **RESERVES** | | | | |
| 23. **Compensation Increase** — Fund compensation increases for state employees whose salaries are paid from the Highway Fund. | 18,000,000 | | 18,000,000 | 23,150,000 |
| 24. **Battery Dump** — Fund the Highway Fund share of clean up of battery dump on US Highway 601. (Fund $35,000 from General Fund.) | 115,000 | NR | 115,000 | 115,000 |
| **TOTAL — RESERVE** | **$18,115,000** | | **$18,115,000** | **$23,265,000** |
| **CAPITAL** | | | | |
| 25. **Funds for Highway Patrol** — Fund the removal of leaking underground storage tanks and provide for facility renovations in the Highway Patrol. | $500,000 | NR | $500,000 | $500,000 |
| 26. **Capital Reserve** — Create reserve for capital improvements and repairs and renovations. | 2,500,000 | NR | 2,500,000 | 2,500,000 |
| **TOTAL – CAPITAL** | **$3,000,000** | | **$3,000,000** | **$3,000,000** |
| **TOTAL EXPANSION BUDGET** | **$63,850,434**<br>**(49)** | | **$57,133,315**<br>**(4)** | **$69,302,080**<br>**(78)** |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**

(Pages 116–122)

**CAPITAL IMPROVEMENTS/GENERAL FUND/HIGHWAY FUND**

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **GENERAL ASSEMBLY** | | | |
| 1. Complete Renovation of HVAC System | $6,200,000 | $6,200,000 | $6,200,000 |
| **DEPARTMENT OF ADMINISTRATION** | | | |
| 1. Reserve for Repairs/Renovation of the Old Education and Revenue Buildings | 20,000,000 | 20,000,000 | 20,000,000 |
| 2. Natural Science Museum and Wet Lab Collection | 30,934,500 | 30,934,500 | 30,934,500 |
| 3. State Government Visitors Center – Planning | 430,000 | — | 430,000 |
| 4. Correction Enterprises | — | — | 10,810,430 |
| 5. Construction of New 90–Bed Boot Camp | — | 1,100,000 | — |
| **TOTAL** | **$51,364,500** | **$52,034,500** | **$62,174,930** |
| **DEPARTMENT OF CULTURAL RESOURCES** | | | |
| 1. Fort Fisher State Historic Site Erosion Control Measures | | | |
| Requirements | $8,340,000 | $8,340,000 | $8,340,000 |
| Receipts–Federal | 4,170,000 | 4,170,000 | 4,170,000 |
| State Appropriation | $4,170,000 | $4,170,000 | $4,170,000 |
| 2. Elizabeth II State Historic Site | 500,000 | 10,000,000 | — |
| 3. Spencer Shops (SB 1425) | 150,000 | 300,000 | — |
| 4. Museum of the Cape Fear — Branch of the State Museum of History | 250,000 | 500,000 | — |
| **TOTAL** | **$9,720,000** | **$14,970,000** | **$4,170,000** |
| **STATE BUDGET** | | | |
| 1. Reserve for Prison Chapels | 250,000 | — | $500,000 |
| **DEPARTMENT OF AGRICULTURE** | | | |
| 1. Dairy Milking Parlor – Umstead Research Station – Supplement | | | |
| Requirements | 387,000 | 387,000 | $387,000 |
| Timber Receipts | 387,000 | 387,000 | 387,000 |
| State Appropriation | — | — | — |
| 2. Southeastern Farmer's Market and Equestrian Agricultural Center – Development/Construction (SB 1405/HB 1602) | 3,600,000 | 500,000 | 3,600,000 |
| 3. Western North Carolina – Agricultural Facilities (HB 1788 and HB 1785) | 1,900,000 | — | 1,900,000 |
| 4. Tidewater Research and Extension Center – Phase II | 283,600 | — | 283,600 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**

**CAPITAL IMPROVEMENTS/GENERAL FUND (Continued)**

| **DEPARTMENT OF AGRICULTURE** (Continued) | **Agreed Items** | **Senate 1994–95** | **House 1994–95** |
|---|---|---|---|
| 5. Eastern North Carolina Agricultural Center – Phase I Completion | 3,600,000 | 3,600,000 | — |
| 6. Cattle and Livestock Exposition Center — (Planning only) | 737,350 | 7,379,600 | — |
| **TOTAL** | **$10,120,950** | **$11,479,600** | **$5,783,600** |
| **DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES** | | | |
| 1. Water Resources (Civil Works) Development Projects | $2,750,000 | $2,000,000 | $2,750,000 |
| 2. Wilmington Harbor Ocean Bar Deepening | 10,906,000 | 10,906,000 | 10,906,000 |
| 3. Falls Lake Recreation/Jordan Water Supply – Repayment | 9,527,000 | 9,527,000 | 9,527,000 |
| 4. North Carolina Aquariums — Planning | 950,000 | 950,000 | — |
| 5. Bulkhead Project — Town of Oriental (SB 1556) | 91,000 | 91,000 | — |
| 6. Forestry Headquarters Building and Land – Union County (SB 1397) | — | 450,000 | — |
| **TOTAL** | **$24,224,000** | **$23,924,000** | **$23,183,000** |
| **UNIVERSITY – BOARD OF GOVERNORS** | | | |
| 1. N.C. State University – Agricultural Extension | | | |
| (a) 4–H Camp Programs — Mandated safety, health and fire compliance and accessibility requirements HB 1562) | $2,000,000 | — | $2,000,000 |
| (b) Construction of 4–H Youth Development Center in northeastern North Carolina (SB 1353) | $500,000 | $5,000,000 | — |
| 2. UNC–Chapel Hill — Planning funds for Law School (SB 1474) | 1,000,000 | 1,000,000 | — |
| 3. UNC–Chapel Hill — Institute of Government – Renovation Planning | 700,000 | 700,000 | — |
| 4. UNC–Chapel Hill — Renovate Hill Hall | 850,000 | 1,700,000 | — |
| 5. UNC–Chapel Hill — School Leadership Academy Facility – Planning (SB 1426) | 100,000 | 200,000 | — |
| 6. N.C. State University — Centennial Center (SB 1454) | 6,500,000 | 13,000,000 | — |
| 7. UNC–Asheville — Conference Center | — | 500,000 | — |
| 8. UNC–Asheville — Kellogg Center | 250,000 | 500,000 | — |
| 9. UNC–Charlotte — Library Planning Funds | 900,000 | 900,000 | — |
| 10. UNC–Greensboro – University Center | 5,000,000 | 6,000,000 | — |
| 11. School of the Arts — Student Activities Center | 2,250,000 | 4,500,000 | — |
| 12. School of the Arts — Film School | 1,800,000 | 2,000,000 | — |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **CAPITAL IMPROVEMENTS/GENERAL FUND (Continued)** | | | |
| **UNIVERSITY – BOARD OF GOVERNORS** | | | |
| (Continued) | | | |
| 13. NC A&T — Land Acquisition | 1,000,000 | — | — |
| 14. NC Central – Biotechnology Building | 8,000,000 | — | — |
| 15. Pembroke — Sampson Hall/Business Building Renovations | 800,000 | — | — |
| 16. UNC–Wilmington — Marine Sciences Building Planning Supplement | 1,100,000 | — | — |
| 17. Appalachian State — Convocation Center — Planning/Design/Site Preparation | 9,750,000 | — | — |
| 18. East Carolina University — School of Medicine — Life Sciences Building (SB 1597) | 4,850,000 | 12,340,000 | — |
| 19. Winston–Salem State University — Land Acquisition | 1,000,000 | 2,363,600 | — |
| 20. Fayetteville State University — Fine Arts Building Planning (SB 1477) | 750,000 | 300,000 | — |
| 21. N.C. Arboretum | — | 500,000 | — |
| **TOTAL** | **$47,300,000** | **$51,503,600** | **$2,000,000** |
| **DEPARTMENT OF COMMUNITY COLLEGES** | | | |
| 1. Center for Applied Textile Technology — Renovations ($122,500), Parking and Site Improvements ($177,500) (SB 1375) | $300,000 | $300,000 | — |
| **TOTAL COMMUNITY COLLEGES** | **$300,000** | **$300,000** | **—** |
| **DEPARTMENT OF JUSTICE** | | | |
| 1. Blue Bell Building Replacement | — | — | $3,687,700 |
| 2. SBI Complex | — | — | 12,404,300 |
| **TOTAL** | **—** | **—** | **$16,092,000** |
| **DEPARTMENT OF HUMAN RESOURCES** | | | |
| 1. Detention Center – Capital needs | $205,000 | — | $205,000 |
| 2. Renovations to support day treatment programs at the schools for the deaf | — | — | 600,000 |
| 3. Activity/Recreation Complex at the Eastern N.C. School for Deaf | 3,019,100 | — | 3,019,100 |
| **TOTAL** | **$3,224,100** | **—** | **$ 3,824,100** |
| **DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY** | | | |
| 1. Beulaville Armory — Renovations (SB 1429) | $50,000 | $100,000 | — |
| 2. Warsaw Armory — Renovations (SB 1402) | 12,500 | 25,000 | — |
| **TOTAL** | **$62,500** | **$125,000** | **—** |
| **TOTAL CAPITAL IMPROVEMENTS/ GENERAL FUND** | **$152,766,050** | **$160,536,700** | **$123,927,630** |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| **HIGHWAY FUND** | | | |
| 1. Highway Patrol — Funds are recommended to provide for the removal of leaking underground storage tanks and also to provide for facility renovations. | $500,000 | $500,000 | $500,000 |
| 2. Transportation — Reserve for capital improvements | 2,500,000 | 2,500,000 | 2,500,000 |
| **TOTAL HIGHWAY FUND** | **$3,000,000** | **$3,000,000** | **$3,000,000** |

(Pages 123–126)

**RESERVES**

| | | | |
|---|---|---|---|
| 1. Debt Service – To fund principal and interest on the issuance of over $400 million of the $740 million general obligation bonds for the university, community colleges, water and waste–water and State parks. | $25,723,695 | $25,723,695 | $25,723,695 |
| 2. Reserve for OSHA–Bloodborne Pathogens to implement the federal regulations. | 1,000,000 NR | 1,000,000 NR | 1,000,000 NR |
| 3. Teacher Pay Date Restoration – To eliminate the liability for the deferral of the twelfth–month public school payroll deferred in 1990–91. | 120,000,000 NR | 120,000,000 NR | 120,000,000 NR |
| 4. Reserve for Salary Adjustments. | 500,000 | 500,000 | 500,000 |
| 5. Reserve for Subsistence Allowance Increase for State Employees | 1,600,000 | 1,600,000 | 1,600,000 |
| 6. Reserve for Retirees | (16,318) | (16,318) | (16,318) |
| 7. Excess 1993–94 Compensation Increase Funds. | (1,757,024) | (1,757,024) | (1,757,024) |
| 8. Reserve for Tort Claims (Cap increase) | 400,000 | — | 400,000 |
| 9. Reserve for Justice/Human Resources — Criminal Record of Day Care Providers (HB 1512) | 250,000 | — | — |
| 10. Compensation Increase — 4% | | | |
| Public Schools | 165,203,784 | 98,803,784 | 188,546,128 |
| University – EPA | 29,294,620 | 29,294,620 | 29,294,620 |
| Community Colleges | 15,820,117 | 15,820,117 | 15,820,117 |
| All Others | 72,151,809 * | 69,641,479 | 72,608,063 |
| Locally Operated Programs | — | 13,229,194 | — |
| Subtotal | 282,470,330 | 226,789,194 | 306,268,928 |
| Transfer of SB 2 recurring funds into Public School salary schedule | 38,800,000 | | |
| Net Increase in Requirements | 243,670,330 | | |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**
**RESERVES**
(Continued)

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|
| 11. **Compensation Bonus** — 1% | | | |
| Public Schools | 31,303,990 NR | 31,303,990 NR | 20,219,164 NR |
| University–EPA | 7,616,601 NR | 7,616,601 NR | 6,933,846 NR |
| Community Colleges | 4,113,245 NR | 4,113,245 NR | 6,201,121 NR |
| All Other | 17,385,504 NR | 17,385,504 NR | 31,018,128 NR |
| Subtotal | 60,419,340 NR | 60,419,340 NR | 64,372,259 NR |
| Less: (a)Transfer to Public Schools for SB 2 funding | (19,400,000) | | |
| (b) Savings by eleminating certified personnel/principals/ assistant principals | (5,598,182) | | |
| Net Cost | 35,421,158 | | |
| 12. Matching Reserve for Statewide programs. | 3,000,000 NR | — | 3,000,000 NR |

*Reflects reduction of $456,254 for vacant positions deleted

| | | | |
|---|---|---|---|
| 13. Information Highway Reserve | Controller's Office | — | 7,000,000 NR |
| 14. Voter Registration Reserve | 1,000,000 NR | — | 3,000,000 NR |
| 15. **Hospital Medical Reduction** — Reduce employer premium contributions effective August 1, 1994. | — | — | (38,000,000) |
| 16. **Retirement Rate Reductions** — Reduce Employer Contribution rate to the Teacher's and State Employee's Retirement System by .23% due to the freezing of liquidation period at nine years. | — | — | (10,300,000) |
| 17. **Vacant Positions Deletion** — Delete positions as identified by the Governor's Office to effect direct savings as shown; salary increase requirements are reduced by $456,254 for a total savings of $10.0 million. | (9,543,746) | — | (10,000,000) |

| Department | Positions | Total Salary/ Benefit Reduction |
|---|---|---|
| Judicial | 8 | $295,137 |
| Secretary of State | 1 | 30,834 |
| State Auditor | — | — |
| State Treasurer | 1 | 32,083 |
| Public Education | 3 | 118,213 |
| Justice | 4 | 150,385 |
| Agriculture | 2.5 | 60,286 |
| Labor | 1 | 28,503 |
| Insurance | — | — |
| Administration | — | — |
| State Controller | 1 | 53,294 |

**S.B. 1505** (PCCS–5852) **Base and Expansion Budget Report**

| | Agreed Items | Senate 1994–95 | House 1994–95 |
|---|---|---|---|

**RESERVES** (Continued)

| Department | Positions | Total Salary/ Benefit Reduction |
|---|---|---|
| Nat. Resources/ Comm. Dev. | 24.3 | 814,013 |
| Human Resources | 68.25 | 2,097,468 |
| Correction | 16 | 425,575 |
| Commerce | 7 | 184,160 |
| Revenue | 4 | 88,771 |
| Cultural Resources | 3 | 68,645 |
| Crime Control & Public Safety | 1.25 | 38,128 |
| UNC System (SPA) | 185 | 4,994,093 |
| Community Colleges | 2 | 64,158 |
| **TOTAL Vacant Positions/Salaries** | **311.22** | **$9,543,746** |
| **Salary Increase Reduction** | | 456,254 |
| **TOTAL REDUCTION** | | **$10,000,000** |

18. Savings Reserve — Reserve of unspent funds 66,700,000 NR

# SUMMARY OF BILLS AND RESOLUTIONS REMAINING IN THE SENATE 1993 SESSION

The following bills and resolutions remained in the Senate upon adjournment *sine die* and shall be transferred to the Division of Archives and History of the Department of Cultural Resources upon adjournment *sine die* of the 1995 General Assembly in accordance with G.S. 120–37(f).

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| **HELD AS FILED** | | |
| SB 228 | Day Care Home Safety | |
| SB 452 | School Administration Standards Board | New Licensing/ G.S. 120–149 |
| SB 474 | Raise Funeral Expense Allowance | |
| SB 627 | Managed Care Act | H 907/ H ppi<br>New Licensing/ G.S. 120–149 |
| SB 656 | N.C. Gaming Commission | New Licensing/ G.S. 120–149 |
| SB 886 | Bermuda Run District | Request of Sponsor |
| SB 901 | Barber School Instructors | HCS Not Germane – Held |
| SB 977 | Safe Schools Partnership Act | |
| SB 1039 | Locksmith Licensing/Regulation | New Licensing/ G.S. 120–149 |
| SJR 1206 | Mem. Congress/Vet. Retirement Ben. | |
| SJR 1250 | Honoring the Charlotte Hornets | |
| SB 1611 | Lead Abatement Regulation | H 1736/ ppi—New Licensing/ G.S. 120–149 |
| SB 1676 | Victims' Rights Amendment | Held for Enabling/ Res. 31 |
| SB 1677 | Powell Funds Used for Sidewalks | H 1661/ Ch. 690—Held for Enabling/ Res. 31 |
| SJR 1702 | Enabling/Establishment of Child Paternity | H 2109/ S Rules—Ruled Eligible |
| HJR 429 | Mem. Congress/Health Care Reform | |
| **CONFERENCE COMMITTEE** | | |
| SB 196 | Transfer Ports Authority | |
| SB 513 | Banking Amendments | HCS No. 2 |
| SB 871 | City Privilege License Changes | HCS |
| SB 1066 | Early Voting/Preregistration | HCS No. 2 |
| SB 1469 | Exempt Utility Trucks | H 1643/ H ppi—HCS |
| HB 1062 | No Death Penalty/Mentally Retarded | Fails of Adoption |
| HB 1936 | Criminal Technical Corrections | SCS |
| **UNFAVORABLE** | | |
| SB 15 | Legislative Term Limits/Constitution | |
| SB 16 | Congressional Term Limits/Constitution | |
| SB 17 | Limit Session Length/Constitution | |
| SB 79 | Legislators 4 Yr Terms/Constitution | |

**Summary of Bills/Resolutions Remaining in Senate**
**UNFAVORABLE** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 464 | Board of Governors Elections | |
| SB 660 | Elected Officials Term Limit/Constitution | |
| HB 459 | Tobacco Sales to Minor Prohibited | |
| **FAILED TO PASS** | | |
| SB 531 | District Judge's Term/Constitution | Lacking 3/5 Majority |
| SB 678 | Bond Payment Change | |
| **POSTPONED INDEFINITELY** | | |
| SB 36 | Disclosure of Veterinary Records | H 33/ Ch. 5 |
| SB 629 | C.P.A. Revisions | |
| SJR 1296 | Honoring Life and Memory Henry McMillan Tyson | H 1497/Res. 22 |
| HB 1718 | Extend Sentencing Comm'n | S 1510/ S Appr |
| **TABLED** | | |
| SB 28 | Supt. Public Instruction/Bd. of Ed./Constitution | |
| HB 467 | Reg. of Deeds Second Deputy | |
| **SENATE SIMPLE RESOLUTIONS** | | |
| SR 102 | Nom./Elect. Proc. UNC Bd. of Gov. | Adopted |
| SR 468 | Honoring Bessemer City 100th Anniv—2 | Adopted |
| SR 482 | Recog/N.C. NASCAR Capital of World | Adopted<br>Committee Substitute |
| SR 823 | Adopt Permanent Rules | Adopted<br>Committee Substitute |
| SR 951 | Enhance Long–term Fiscal Stability | Adopted |
| SR 1010 | Permanent Rules Amended/ Recall bill from committee | Adopted<br>Committee Substitute |
| SR 1243 | Amend Rules 40.1 and 67A/ Admission to Floor | Adopted<br>Committee Substitute |
| SR 1298 | Honoring Life and Memory Thaddeus A. Eure | Adopted |
| SR 1625 | Memorializing Congress/Flag Desecration | Adopted |
| SR 1721 | Honoring Raymond Wallace Goodman, Sheriff Richmond Co. | Adopted |
| **AGRICULTURE, MARINE RESOURCES & WILDLIFE** | | |
| SB 126 | Age 65 Hunting/Fishing License | |
| SB 476 | Poultry Producer Protection Act | H 414/ H ppi |
| SB 1125 | Amend CAMA | |
| SB 1540 | Repeal Tobacco Warehouse Charges | H 1711/ H ppi |
| SJR 1624 | Enabling/Abolish Ports Railway Com. | |
| SB 1645 | Pender Fox Hunting | |
| SB 1672 | New Hanover No–Wake Zone | |

**Summary of Bills/Resolutions Remaining in Senate**
**AGRICULTURE, MARINE RESOURCES & WILDLIFE** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| HB 703 | Nags Head Beach Regulation | |
| Executive Order (Governor James B. Hunt) | | |
| 20 | Create Coastal Futures Committee | |

**APPROPRIATIONS**

| | | |
|---|---|---|
| SB 3 | Caring Program Funds | |
| SB 4 | Medicaid Coverage/Children | |
| SB 5 | Medicaid Eligibility/Disabled, Aged | |
| SB 6 | Rural/Primary Care Initiatives | |
| SB 18 | Alzheimer's Association/Funds | |
| SB 21 | Constitutional Review Commission | |
| SB 32 | In–Home Funds | |
| SB 33 | Long–Term Care Ombudsman/Funds | |
| SB 34 | Senior Centers/Funds | |
| SB 39 | Ag. Ed./NCSU Transfer | H 34/ H ppi |
| SB 43 | Exceptional Child Funding | |
| SB 44 | Exceptional Children's Formula | |
| SB 48 | Local Financial Security | H 134/ H ppi |
| SB 49 | Local School Improvement Plans | |
| SB 80 | Independent Living Program/Funds | H 9/ H ppi |
| SB 91 | UNC Budget Flexibility for Energy | H 99/ H ppi |
| SB 93 | Energy Efficient School Construction | H 102/ Ch. 465 |
| SB 98 | Continue Shellfish Enhancement Funds | H 30/ H ppi |
| SB 104 | Cancer Control Funds/93–95 | H 108/ H ppi |
| SB 105 | Cancer Control Funds Eligibility | H 109/ H ppi |
| SB 106 | Cancer Control Fund/92–93 | H 107/ H ppi |
| SB 121 | State Salary Inequities | H 195/ H ppi |
| SB 124 | Teacher Training Task Force Changes | H 47/ S Appr |
| SB 142 | GPAC/Surplus Property Sale Proceeds | |
| SJR 147 | GPAC/Committee Recommendations | |
| SB 156 | Mountain Aquaculture/Funds | H 119/ H ppi |
| SB 165 | GPAC/Transportation Financing Study | |
| SB 171 | GPAC/Hwy. Equipment Sections | |
| SB 172 | GPAC/Equip. Hwy. Supvrs. Eliminated | |
| SB 173 | GPAC/Division–Based Staff Reduced | |
| SB 174 | GPAC/Eliminate DOT Positions | |
| SB 175 | GPAC/Close Some DMV Offices | |
| SB 176 | GPAC/Contracted Road Maintenance | |
| SB 177 | GPAC/Construction Personnel Limit | |
| SB 178 | GPAC/Preconstruction Personnel Limit | |
| SB 179 | GPAC/Privatize Registration Offices | |
| SB 180 | Emergency Judges' Per Diem | |
| SB 182 | Distinguished Professors Funds | |
| SB 197 | ECU Med. School Receipts | H 212/ H ppi |
| SB 198 | GPAC/Transition ICF/MR Resident | |
| SB 200 | GPAC/Medicaid Budget Consensus | |
| SB 201 | GPAC/Medicaid Cost Control Policy | |

**Summary of Bills/Resolutions Remaining in Senate**
**APPROPRIATIONS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 202 | GPAC/Medicaid Drug Purchasing | |
| SB 203 | GPAC/Freeze Drug Dispensing Fee | |
| SB 206 | GPAC/ICF/MR CON Moratorium | |
| SB 208 | GPAC/DRG–Based Payment | |
| SB 209 | GPAC/ICF/MR Reimbursement Method Change | |
| SB 211 | GPAC/Medicaid Managed Care | |
| SB 212 | GPAC/Medicaid Services CoPayments | |
| SB 213 | GPAC/Medicaid Nursing Home Payment | |
| SB 214 | GPAC/Medicaid "Bundled" Payment | |
| SB 226 | Cancer Control Advis. Com./Funds | H 128/ H ppi |
| SB 229 | Day Care Eligibility Increase/Funds | H 202/ H ppi |
| SB 230 | Day Care Rate Change/Funds | H 201/ H ppi |
| SB 231 | County Day Care Admin. Funds | H 211/ H ppi |
| SB 233 | Resident Tuition Status Change | |
| SB 240 | GPAC/Consolidate Community Corrections | H 301/ H ppi |
| SB 253 | GPAC/Performance Budget Funds | |
| SB 256 | Infant/Toddler Day Care Ratio | |
| SB 260 | GPAC/Capital Budget Process | |
| SB 262 | GPAC/Expand Funding Flexibility | |
| SB 270 | GPAC/Com. Coll. Tuition/Policy | |
| SB 271 | GPAC/Com. Coll. Program Review | |
| SB 275 | GPAC/Community College Funding Goal | |
| SB 280 | GPAC/Mental Retardation Centers Reduced | |
| SB 281 | GPAC/Community Mental Hospitals Initiatives | |
| SB 282 | GPAC/Mental Retardation Centers Downsizing | |
| SB 283 | GPAC/New Downsized MH Institutions Plan | |
| SB 284 | GPAC/Drug Treatment Center Pilot Program | |
| SB 286 | GPAC/Eliminate Dept. of CCPS | H 337/ H ppi |
| SB 288 | GPAC/Comprehensive Employee Training | |
| SB 290 | GPAC/State Human Resources Management | |
| SB 291 | GPAC/Phase Out DMV Law Enforcement | H 338/ H ppi |
| SB 295 | GPAC/20 Positions Eliminated/DHR | |
| SB 308 | GPAC/Legislative Personnel Study | |
| SB 310 | GPAC/State Emp. Classification/Funds | |
| SB 313 | GPAC/Ass't Sec. Pos. Elim./DHR | |
| SB 314 | GPAC/Child Support Reform | H 272/ H Cts&Just |
| SB 318 | GPAC/SIPS Rates and Finances | |
| SB 333 | Eastern NC Job Training Funds | |
| SB 338 | Medicaid Coverage/Adopted Children | H 245/ H ppi |
| SB 348 | GPAC/Enhance DPI Internal Audit | |
| SB 349 | GPAC/Modify Teacher Certification | |
| SB 350 | GPAC/Reduce Teacher Cert. Work | |
| SB 353 | GPAC/OSP Classification Study | |
| SB 356 | GPAC/DHR Decentralization | |
| SB 357 | GPAC/DHR FTE Positions Eliminated | |
| SB 358 | GPAC/DD Needs Assessment | |

**Summary of Bills/Resolutions Remaining in Senate**
**APPROPRIATIONS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 359 | GPAC/DD In–Home Care Initiatives | |
| SB 360 | GPAC/DHR Unit Reorg. | |
| SB 361 | GPAC/Statewide Managed Care | |
| SB 362 | GPAC/Medicaid Indirect Care Cap | |
| SB 363 | GPAC/Medicaid Contracting | |
| SB 364 | GPAC/MMIS Replacement Plan | |
| SB 365 | GPAC/Elim. Return–on–Equity Pay | |
| SB 368 | GPAC/Transfer InterGovernmental Relations | |
| SB 370 | GPAC/Reorganize Dept. of Public Instruction | |
| SB 371 | GPAC/Eliminate DPI Positions | |
| SB 372 | GPAC/Streamline DPI Management | |
| SB 373 | GPAC/Teacher Course Study Funds | H 328/ H Ed |
| SB 374 | GPAC/Teacher Course Study Funds | H 329/ H Ed |
| SB 375 | GPAC/Teacher Course Study Funds | H 270/ H ppi |
| SB 376 | GPAC/Teacher Required Course Study | H 269/ H Ed |
| SB 377 | GPAC/BEP Funding | |
| SB 378 | GPAC/DPI Tech. Assistance Centers Activities | |
| SB 379 | GPAC/Link School Funding/Performance | |
| SB 380 | GPAC/Local Flexibility/School Funds | |
| SB 384 | GPAC/Schools/Accountability | |
| SB 398 | Amend Lobbyist Law | H 262/ H ppi |
| SB 409 | GPAC/Reorganize DPI Staff Dev. | |
| SB 412 | Gov. Op. Legislative Subcommittee/Audit | |
| SB 414 | GPAC/Reduce DPI Clerical Positions | |
| SB 415 | GPAC/Com. College Scholarship | |
| SB 416 | GPAC/ABC Rule and Law Enforcement | H 374/ H ppi |
| SB 423 | Emergency Assistance Funds/AFDC | H 350/ H ppi |
| SB 428 | Medicaid Coverage/Children | H 241/ H ppi |
| SB 444 | Phys. Fitness Pilot Program | |
| SB 449 | Teacher Training Task Force Funds | H 255/ H ppi |
| SB 450 | School Administrator Standards Bd. Funds | H 285/ H ppi |
| SB 451 | School Leadership Academy | H 258/ H ppi |
| SB 454 | Adoption Resources Center Funds | H 475/ H ppi |
| SB 456 | Dental Hygienist Funds | H 386/ H ppi |
| SB 460 | Principal Fellows Fund | H 253/ H ppi |
| SB 461 | School Administrator/UNC Program | H 286/ H ppi |
| SB 462 | Principal Fellows Program Established | H 254/ H ppi |
| SB 469 | LIFEguardianship Program Funds | H 223/ H ppi |
| SB 489 | Child Eval. Center Funds | H 351/ H ppi |
| SB 490 | Child Fatality Study | H 367/ H Unfav |
| SB 502 | Rape Crisis Funds | H 415/ H ppi |
| SB 515 | Agric. Dep't Automated Network Funds | |
| SB 521 | Pseudorabies Control Funds | H 656/ H ppi |
| SB 527 | Retirement Formula/Increase | |
| SB 528 | Retirees' Guaranteed Return | |
| SB 530 | Agriculture Medical Waste Funds | H 655/ H ppi |

**Summary of Bills/Resolutions Remaining in Senate**
**APPROPRIATIONS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 541 | Early Intervention Funds | |
| SB 542 | Parent To Parent Funds | |
| SB 548 | Occupational Safety/Health | H 1261/ H ppi |
| SB 556 | Housing Trust Fund | H 478/ H ppi |
| SB 562 | DOT Professional Services | |
| SB 573 | Diploma Nursing Program Funds | |
| SB 581 | Home. Based Instruction/Funds | H 614/ H ppi |
| SB 588 | Nursing/Rest Home/EMS Service | |
| SB 599 | "Pioneer" Mental Health Plan | |
| SB 601 | Disability Income Plan Amendment | |
| SB 606 | Insurer Financial Solvency | H 622/ Ch. 452 |
| SB 612 | Water Authority Pay | |
| SB 614 | DHR Nurses' Pay Adjustment | H 381/ H ppi |
| SB 615 | Death Benefit Date Change | |
| SB 620 | Apiculture Funds | H 755/ H ppi |
| SB 637 | N.C. Geographic Alliance Funds | |
| SB 640 | Fire/Rescue Commission Staff | H 482/ H ppi |
| SB 644 | Early Intervention; Deaf/Funds | H 722/ H ppi |
| SB 645 | Equal Access for Deaf/Funds | H 723/ H ppi |
| SB 646 | Schools for Deaf Standard Funds | H 746/ H ppi |
| SB 650 | Teacher Loan Payback Changes | |
| SB 651 | Electoral College Mileage | |
| SB 662 | NCSU/Textbook Publication Funds | H 676/ H ppi |
| SB 663 | Domestic Violence Funds | |
| SB 665 | Teacher Assistant Salary Schedule | H 640/ H ppi |
| SB 669 | Differentiated Pay Funds | H 582/ H ppi |
| SB 674 | Universal Child Immunization | H 719/ H ppi |
| SB 695 | HIV Funds | H 738/ H ppi |
| SB 696 | Small Employer Hlth. Ins. Assist. | H 729/ Ch. 529 |
| SB 737 | Partnership for Quality Growth | |
| SB 740 | Personal Computer Accountability | H 171/ H ppi |
| SB 742 | State Health Plan | |
| SB 743 | ESC Data Processing | |
| SB 745 | Food Program Expansion Funds | |
| SB 747 | Information Resource Mgmt. Commission | |
| SB 751 | Capital Planning Com. Meetings | H 95/ S Appr |
| SB 757 | Reemployed Retiree Benefit Restrictions | |
| SB 781 | NCLEAF Funds | H 782/ H ppi |
| SB 784 | Fort Butler Park Cherokee | |
| SB 788 | CBA Youth Services' Funds | |
| SB 810 | Caswell/Person Court Dist. 9A | |
| SB 814 | Repairs/Renovations Reserve Created | |
| SB 815 | June 30th Pay Date Restored | |
| SB 826 | Travel and Tourism Funds | H 1176/ H ppi |
| SB 827 | UNC Infection Control Funds | |
| SB 843 | Out–of–State Retirement | H 930/ H ppi |

**Summary of Bills/Resolutions Remaining in Senate**
**APPROPRIATIONS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 847 | Sentencing Commission Extended | |
| SB 866 | Agricultural Survey Program Funds | |
| SB 869 | Master Business License Application | H 979/ H ppi |
| SB 870 | Milk Sanitation Program Funds | |
| SB 882 | Increase Flexibility/School Funds | H 994/ H ppi |
| SB 895 | 19A Pros. Dist. Change | |
| SB 904 | State Aid to Private Colleges | |
| SB 905 | Civil Action/Childhood Sexual Abuse | H 1108/ H ppi |
| SB 926 | Swine Farm Odor Abatement | H 1159/ H ppi |
| SB 927 | Land Resources Staff Funds | |
| SB 929 | Minority Bus./Highway Construction | |
| SB 934 | Mental Health/Coalition 2001 Services | H 1177/ H ppi |
| SB 959 | N.C. Interloc Program Funds | |
| SB 960 | North Carolina Interloc Program | |
| SB 962 | Legislative Retirement Option | H 388/ H ppi |
| SB 964 | CBA Youth Services' Funds | S 1042/ S Appr;<br>H 725/ H ppi |
| SB 966 | Private Child Caring | H 1187/ H ppi |
| SB 967 | Teacher Academy Plan Funds | |
| SB 968 | Teacher Academy Plan/Implementation | |
| SB 969 | School Supplemental Funding | H 1195/ H ppi |
| SB 973 | Hemophilia Assistance Funds | |
| SB 975 | Governor's Operating Budget/'93 | H 1216/ Ch. 253 |
| SB 979 | EHNR Water Study Funds | H 1211/ H ppi |
| SB 985 | Public Health Services Funds | |
| SB 990 | Adult Day Care Funds | |
| SB 1000 | MHSC/MH/DD/SA Improvement Funds | H 1215/ H ppi |
| SB 1001 | Juvenile Sex Offender Treatment | H 1237/ H ppi |
| SB 1002 | School Technology Commission | |
| SB 1005 | Cold–Water Aquaculture Funds | |
| SB 1008 | RSVP Program Funds | |
| SB 1024 | Braille Literacy | H 1316/ H ppi |
| SB 1026 | County Fire Marshal Benefits | |
| SB 1029 | Infant Mortality Funds | |
| SB 1034 | Foster Care Sp. Needs Funds | |
| SB 1035 | Foster Care Increase Funds | |
| SB 1038 | Harriet's House Funds | H 1233/ H ppi |
| SB 1040 | Adolescent Pregnancy Prev. Funds | |
| SB 1041 | Medicaid/AFDC Increase | |
| SB 1042 | CBA Youth Services Funds | S 964/ S Appr;<br>H 725/ H ppi |
| SB 1050 | One–on–One Program Funds | |
| SB 1052 | Geodetic Survey Funds | |
| SB 1058 | Hillsborough Tornado Funds | H 926/ H ppi |
| SB 1059 | Social Workers' Ed. Loan Fund | H 1327/ H ppi |
| SB 1060 | N.C. Foreign Lang. Center Funds | |

**Summary of Bills/Resolutions Remaining in Senate APPROPRIATIONS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 1062 | Guilford Tech. Com. Coll. Funds | H 1273/ H ppi |
| SB 1063 | ECU Teacher Leadership Prog. Funds | |
| SB 1065 | Agency Receipts for Recycling | |
| SB 1067 | Teacher Ass't Funds for Teachers | |
| SB 1071 | Safe School Grant Funds | |
| SB 1076 | Medicaid/AFDC Level Standard | H 1451/ H ppi |
| SB 1079 | Insurance Department Positions | |
| SB 1080 | Pedestrian Call Signal Funds | |
| SB 1085 | Sec. of State Funds | |
| SB 1086 | State Treasurer Funds | H 1377/ H ppi |
| SB 1088 | Diesel Fuel Payment Method | |
| SB 1090 | Durham Service Corps Funds | |
| SB 1091 | N.C. Physician Fellows Funds | |
| SB 1094 | Suspended Student Program Funds | |
| SB 1095 | Employer Training Funds/ADA | |
| SB 1096 | School Safety Task Force Funds | H 1299/ H ppi |
| SB 1100 | Dept. of Administration Funds | |
| SB 1102 | Soc. Wkr. Max. Case Load | |
| SB 1103 | State Controller Funds | H 1330/ H ppi |
| SB 1104 | Crime Control Funds | |
| SB 1109 | Developmentally Disabled Home Training | H 535/ H ppi |
| SB 1110 | Educational Consortia Funds | H 1441/ H ppi |
| SB 1117 | Harnett Tax Mapping | |
| SB 1118 | Lee Public Funds | |
| SB 1120 | Process Leadership Prog. Funds | H 1246/ H ppi |
| SB 1123 | Deaf Children Transition Funds | |
| SB 1127 | Learning Link Funds | H 1308/ H ppi |
| SB 1128 | DOL Staff/Equipment Funds | H 1333/ H ppi |
| SB 1129 | MH/Regional Equalization Funds | |
| SB 1131 | Developmentally Disabled Independent Living | |
| SB 1132 | Parent/Child Center Funds | H 1350/ H ppi |
| SB 1133 | Personal Needs Allowance Funds | H 1410/ H ppi |
| SB 1135 | Triad Engineering Research Center | |
| SB 1136 | Apprenticeship Expansion Funds | H 1342/ H ppi |
| SB 1137 | Labor/Computer Information Sharing | |
| SB 1142 | State–Required Vaccines Funds | |
| SB 1145 | Marine Sciences Funds | H 1363/ H ppi |
| SB 1149 | Schools Parental Involvemt. Funds | H 1278/ H ppi |
| SB 1152 | Employment Center Funds | |
| SB 1154 | Norplant Availability/Funds | |
| SB 1158 | Textbook Funds | |
| SB 1169 | Teach American Ethics | H 1408/ H Received |
| SB 1171 | Dispute Settlement Funds | H 1396/ H ppi |
| SB 1174 | Agricultural Export Program Funds | |
| SB 1179 | Historic Properties Grant Program | |

**Summary of Bills/Resolutions Remaining in Senate**
**APPROPRIATIONS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 1180 | Teaching Fellows Supplemental Package | |
| SB 1183 | Mycotoxin Analyses/Research Funds | H 1387/ H ppi |
| SB 1186 | State Capitol Education Program Funds | |
| SB 1188 | Local Crime Prevention Grants | |
| SB 1190 | State Phone Systems | |
| SB 1202 | Poultry Canning Funds | |
| SB 1208 | Poe Center for Hlth. Educ. Funds | H 1471/ H ppi |
| SB 1230 | Substance Abuse Changes | |
| SB 1232 | A+ Schools Program Funds | |
| SB 1240 | Aerial Reserve Equipment Funds | |
| SB 1255 | Governor's Executive Inst. Funds | |
| SB 1256 | Total Quality Mgmt Funds | |
| SB 1257 | Camel 24 Fellowship Funds | |
| SB 1260 | Triad International Funds | |
| SB 1277 | MH Supportive Living Funds | |
| SB 1284 | Northeastern Economic Development Commission | |
| SB 1289 | Water Resources Access Funds | |
| SB 1292 | Historic Sites Programs Funds | |
| SB 1300 | Glen Alpine Sewer Funds | |
| SB 1301 | Avery Recreation Program | |
| SB 1302 | Budget Changes—2 | |
| SB 1303 | Budget Changes—1 | |
| SB 1304 | Capital Budget Changes | |
| SB 1305 | Sch. Psychologist Salary Adjustment | H 1626/ H ppi |
| SB 1306 | UNC Infection Control Funds | H 1611/ H ppi |
| SB 1307 | Nurse Scholars Changes/Funds | H 1671/ H ppi |
| SB 1308 | UNC Allied Health Funds | H 1527/ H ppi |
| SB 1309 | Legislative Compensation | |
| SB 1310 | Compensation Includes Exp. Allow. | |
| SB 1311 | Increase Retirement Benefits | H 1554/ H ppi |
| SB 1312 | TEACCH Funds | H 1574/ H ppi |
| SB 1313 | Oak Island Senior Cntr. Funds | H 1705/ H ppi |
| SB 1314 | Southeastern Community College Center | |
| SB 1315 | Lake Waccamaw Eco. Dev. Funds | H 1706/ H ppi |
| SB 1316 | Local Appropriations/Enabling | |
| SB 1317 | Special Projects Appropriations/Enabling | |
| SB 1318 | Fair Bluff Armory Repair Funds | H 1803/ H ppi |
| SB 1319 | Columbus Economic Dev. Funds | |
| SB 1320 | Appropriations Projects/Enabling | |
| SB 1322 | Columbus Econ. Dev. Funds | H 1703/ H ppi |
| SB 1325 | Boards of Health Funds | |
| SB 1326 | Fire Ant Treatment Funds | |
| SB 1327 | Montgomery Community College Facility | |
| SB 1329 | World Languages Center Funds | |
| SB 1330 | Aquaculture Development Funds | |
| SB 1332 | Coats Community Museum Funds | |

**Summary of Bills/Resolutions Remaining in Senate**
**APPROPRIATIONS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 1333 | Harnett Mental Health Funds | |
| SB 1334 | Harnett School Acquisition | |
| SB 1337 | Hall of Honor Funds | H 1805/ H ppi |
| SB 1338 | Judicial Center Funds | |
| SB 1339 | Coalition 2001 Capital Funds | H 1523/ H ppi |
| SB 1340 | Supportive Housing/Coalition 2001 | |
| SB 1341 | Haltiwanger Retreat Center | H 1679/ H ppi |
| SB 1342 | Richmond Waste Site Funds | H 1678/ H ppi |
| SB 1343 | Richmond Community College Classroom | H 1676/ H ppi |
| SB 1344 | Maternity Home and Adoption Funds | |
| SB 1345 | Senior Center Funds | H 1758/ H ppi |
| SB 1346 | Pesticide Expansion Funds | |
| SB 1347 | Moth Control Funds | |
| SB 1348 | Eastern Agric. Center Funds | S 1349/ S Appr |
| SB 1349 | Eastern Agric. Center Funds | S 1348/ S Appr |
| SB 1350 | Grain Uniformity Funds | |
| SB 1351 | Grassroots Science Program Funds | |
| SB 1352 | Partnership for the Sounds Funds | |
| SB 1353 | 4–H Youth Development Funds | H 1561/ H ppi |
| SB 1354 | 4–H Camp Funds | H 1562/ H ppi |
| SB 1355 | Marine Sciences/UNC–Wilmington Funds | H 1546/ H ppi |
| SB 1356 | ECU Medical School Funds | H 1699/ H ppi |
| SB 1357 | ALE Additional Staff | |
| SB 1358 | Medicaid/Disabled, Aged, Children | H 1607/ H ppi; H 1876/ H ppi |
| SB 1359 | TDA Infrastructure Funds | H 1520/ H ppi |
| SB 1360 | "Year of the Mountains" Funds | H 1735/ H ppi |
| SB 1361 | LRC Social Work Improvement/Funds | |
| SB 1363 | Regional High Tech Center Funds | |
| SB 1364 | Wildlife Mgt. Depot Funds | H 1733/ H ppi |
| SB 1365 | Swain Dispute Resolution Center | |
| SB 1366 | Kellogg Community Center Funds | |
| SB 1367 | Brevard Music Center Funds | H 1763/ H ppi |
| SB 1368 | Discovery Place/Capital Funds | |
| SB 1370 | UNC Gerontology Inst. Funds | |
| SB 1372 | Polymers Extension Program/UNC–Charlotte | |
| SB 1373 | Housing Trust Funds | |
| SB 1374 | Renovation Projects/Enabling | |
| SB 1376 | Chinqua–Penn Renovation | H 1593/ H ppi |
| SB 1380 | Teen Pregnancy Prev. Funds/EHNR | H 1872/ H ppi |
| SB 1381 | Teen Preg. Prev. Funds/DHR | |
| SB 1382 | N.C. Dance Theater Funds | |
| SB 1383 | Smart Start Funds Reversion | H 1515/ H ppi |
| SB 1387 | Psychologist Classify. Funds | H 1630/ H ppi |
| SB 1388 | Leigh Farm Funds | |
| SB 1389 | Durham Protective Services Workers | |

**Summary of Bills/Resolutions Remaining in Senate**
**APPROPRIATIONS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 1390 | American Dance Festival Funds | |
| SB 1391 | Durham Performing Arts Funds | |
| SB 1392 | Limited English Proficient Student Funds | H 1526/ H ppi |
| SB 1394 | Grassroots Science Funds | H 1893/ H ppi |
| SB 1395 | Pembroke Conference Ctr. Funds | H 1754/ H ppi |
| SB 1396 | Richmond County Educational Center | H 1677/ H ppi |
| SB 1397 | Forestry Headquarters/Union County | |
| SB 1399 | Forestry Headquarters/Transylvania County | |
| SB 1401 | Farm Loan Reserve Funds | |
| SB 1402 | Warsaw Armory Repair Funds | |
| SB 1403 | Oyster Blue Ribbon Advisory Council | H 1548/ H Rules |
| SB 1404 | Substance Abuse Funds | |
| SB 1405 | Farmer's Market Funds/Southeastern | H 1602/ H ppi |
| SB 1406 | Robeson Library Annex Funds | |
| SB 1407 | Hurricane Evac. Study | H 1641/ H ppi |
| SB 1412 | Judicial Division/Compensation | |
| SB 1414 | Special Care Center Computer Funds | H 1629/ H ppi |
| SB 1415 | Spencer Shop Funds | H 1686/ H ppi |
| SB 1416 | Independent Living Program/Funds | H 1579/ H ppi; H 1647/ H ppi |
| SB 1417 | Coalition 2001 Expansion Funds | H 1769/ H ppi |
| SB 1419 | Beaver Damage Funds | |
| SB 1420 | Hunters for the Hungry Funds | |
| SB 1421 | Tobacco Museum Funds | |
| SB 1422 | Agric./Rural Life Project Funds | |
| SB 1423 | UNC–CH Capital Improvements | H 1784/ H ppi |
| SB 1424 | Funds/Craniofacial Anomalies | |
| SB 1426 | School Leadership Academy Facility | H 1585/ H ppi |
| SB 1427 | UNC–CH Consortium Funds | H 1586/ H ppi |
| SB 1428 | Mycotoxin Research/Testing | |
| SB 1429 | Beulaville Armory Repair Funds | |
| SB 1430 | Biological Pest Control Funds | |
| SB 1431 | Cherry Farm Feed Mill | |
| SB 1432 | Animal Health Programs | |
| SB 1433 | NCSU Horticultural Faculty | H 1534/ H ppi |
| SB 1434 | NCSU Soil Science Faculty | H 1601/ H ppi |
| SB 1435 | Fisheries Data/Saltwater Fishing | H 1541/ H ppi |
| SB 1438 | Rollins Animal Laboratory | |
| SB 1439 | AOC Fee Schedule/Indigent Capital | |
| SB 1440 | Life In Prison Study | |
| SB 1441 | Labor Dept. Staff/Equipment | H 1734/ H ppi |
| SB 1442 | Lenoir Co. Arts/Civic Ctr. Funds | H 1824/ H ppi |
| SB 1443 | Child Abuse Invest. Training Funds | H 1860/ H ppi |
| SB 1444 | Child Fatality Prevention Stats. | H 1866/ H ppi |
| SB 1445 | Adolescent Health Centers | H 1861/ H ppi |
| SB 1446 | NC A&T Operating Funds | |

**Summary of Bills/Resolutions Remaining in Senate**
**APPROPRIATIONS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 1447 | NC A&T Research Funds | |
| SB 1448 | Charlotte Hawkins Brown/Funds | H 1947/ H ppi |
| SB 1449 | Agriculture Dept. Equal Employment Officer | |
| SB 1450 | UPLIFT Funds | H 1580/ H ppi |
| SB 1451 | Mt. Island Lake Park Study | |
| SB 1453 | Urban Boot Camp Construction | |
| SB 1454 | Centennial Center/NCSU | |
| SB 1455 | General Fund Appropriations/Enabling | |
| SB 1456 | General Fund Appropriations/Enabling | |
| SB 1457 | Ballentine Building Renovation | |
| SB 1459 | Constable Food and Drug Laboratory | |
| SB 1460 | Agriculture Dept. ADA Compliance | |
| SB 1461 | Food and Drug Laboratory Computer Funds | |
| SB 1462 | Interactive Visual Technology Industry | |
| SB 1463 | Chatham Waste Site Funds | |
| SB 1464 | State Property Personnel Funds | |
| SB 1466 | Butner Warehouse Bldg. Funds | |
| SB 1468 | Afro–American Tourism Site Com. | |
| SB 1472 | Greene Community College Study | H 1584/ H ppi |
| SB 1474 | Law School/Institute—UNC–CH | H 1782/ H ppi |
| SB 1475 | Mountain Living Center Funds | |
| SB 1476 | Admin. Code/Private Contract | |
| SB 1477 | Fine Arts Bldg./Fayetteville State | |
| SB 1478 | Orange Street School Funds | |
| SB 1479 | Greene Farmers Market Funds | H 1555/ H ppi |
| SB 1481 | Old Salem Museum Funds | |
| SB 1484 | General Fund Appropriation/Enabling | |
| SB 1485 | Greene Sports Facility Funds | |
| SB 1486 | Durham Impact/CHOICE Funds | H 1894/ H ppi |
| SB 1487 | Crime Stoppers Programs | H 1890/ H ppi |
| SB 1488 | Com. Rehab. Pilot Projects | H 1749/ H ppi |
| SB 1489 | Aging Community–Based Services | |
| SB 1493 | Maritime Museum Annex | |
| SB 1494 | Morehead Port Freezer Funds | H 1506/ H ppi |
| SB 1496 | 3rd Senate District Projects/Enabling | |
| SB 1498 | Neuse River Basin Projects | H 1740/ H ppi |
| SB 1499 | Child Maltreatment Center Funds | H 1865/ H ppi |
| SB 1500 | Governor's 1994 Operating Budget | H 1660/ H ppi |
| SB 1502 | Low–Wealth/Small School Funding | |
| SB 1503 | Community Water Systems Fund | |
| SB 1507 | SADD Coordinator Funds | H 1862/ H ppi |
| SB 1508 | Bird Island Acquisition | H 1545/ H ppi |
| SB 1510 | Sentencing Commission Extended | H 1718/ H ppi |
| SB 1512 | Oil Terminal Tank Inspection | |
| SB 1513 | Judicial Personnel Salaries | |
| SB 1514 | Correction Enterprises Expansion | H 1543/ H ppi |

**Summary of Bills/Resolutions Remaining in Senate**
**APPROPRIATIONS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 1515 | Harriet's House Funds | H 1783/ H ppi |
| SB 1516 | Legal Education Assistance Foundation | |
| SB 1518 | Western Wake Senior Funds | H 1690/ H ppi |
| SB 1519 | Crime Prevention Division Resources | |
| SB 1520 | Inner City Development Grants | |
| SB 1521 | Credit Unions/Minority Business Dev. | H 1516/ H ppi |
| SB 1523 | Alcohol Law Enforcement Staff | H 1797/ H ppi |
| SB 1524 | Victims/Justice Division Staff | |
| SB 1525 | Crime Reduction Initiative Funds | |
| SB 1526 | Adkin School Community Center | |
| SB 1530 | Warren Co. Forest Ranger | |
| SB 1531 | Drug Task Force, Northeastern | |
| SB 1532 | Watermelon Festival/Fairbluff | H 1701/ H ppi |
| SB 1533 | Brunswick Com. College Aquaculture Facility | H 1547/ H ppi |
| SB 1534 | Southeastern Com. College Computer Lab | H 1700/ H ppi |
| SB 1535 | Markham Project Study LRC | |
| SB 1536 | Performing Arts Academy Funds | H 1719/ H ppi |
| SB 1537 | Brunswick Tire Recovery Funds | H 1539/ H ppi |
| SB 1541 | Family Care Home Reimbursement | H 1514/ H ppi |
| SB 1542 | Job Training Funds/Eastern NC | H 1764/ H ppi |
| SB 1543 | Juv. Intensive Services Funds | H 1864/ H ppi |
| SB 1544 | Center for the Book Funds | H 1610/ H ppi |
| SB 1546 | National Guard Repair Funds | H 1684/ H ppi |
| SB 1547 | Funds Appropriated/Enabling | |
| SB 1548 | Funds Appropriated/Enabling | |
| SB 1549 | Funds Appropriated/Enabling | |
| SB 1550 | James City Historical Site Funds | H 1743/ H ppi |
| SB 1551 | National Marine Air Museum | H 1739/ H ppi |
| SB 1555 | Civilian/Military In–State Tuition | H 1816/ H ppi |
| SB 1556 | Bulkhead Project Funds/Pamlico | H 1741/ H ppi |
| SB 1560 | School Administrator Salary Schedule | |
| SB 1567 | Butner Fire Truck Funds | |
| SB 1568 | Butner Public Safety Funds | H 1650/ H ppi |
| SB 1569 | Alcohol Law Enforcement Office Rental | H 1655/ H ppi |
| SB 1572 | Randleman Dam Funds | H 1982/ H ppi |
| SB 1574 | Soil and Water Conservation Matching Funds | |
| SB 1575 | Non–State Entity Appropriations/Enabling | |
| SB 1576 | Guilford Juv. Det. Facility | |
| SB 1578 | Chatham Waste Site Funds | |
| SB 1582 | Halifax County Organizations Funds | |
| SB 1583 | Butner Public Safety Fire Truck | H 1692/ H ppi |
| SB 1584 | Butner Sewage Facility Funds | H 1691/ H ppi |
| SB 1585 | Historic Preservation Revolving Fund | H 1712/ H ppi |
| SB 1586 | Funds Appropriated/Enabling | |
| SB 1587 | Funds Appropriated/Enabling | |
| SB 1588 | Ergonomics Resource Center Funds | H 1517 / H ppi |

**Summary of Bills/Resolutions Remaining in Senate**
**APPROPRIATIONS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 1590 | Children's Court Mediated/Enabling | |
| SB 1591 | Children's Guardian Ad Litem/Enabling | |
| SB 1592 | Children's Center/Enabling | |
| SB 1593 | NCSU Industry Support Funds | H 1856/ H ppi |
| SB 1597 | Life Sciences Bldg./ECU | |
| SB 1598 | Global TransPark Authority Funds | |
| SB 1599 | Lenoir Co. Arts/Civic Building | |
| SB 1600 | Tuition Surcharge Exception/UNC | H 1618/ H ppi |
| SB 1601 | Highway Patrol Troop A Headquarters | |
| SB 1603 | Eastern Regional Mediation/Pitt | H 1622/ H ppi |
| SB 1604 | Forestry Headquarters Building/Pitt | |
| SB 1605 | Firemen Pension Benefit Increase | |
| SB 1606 | Agriculture Facility Study/Onslow | |
| SB 1607 | School of Arts Funds | |
| SB 1608 | Disosway House Renovation | H 1744/ H ppi |
| SB 1610 | Waccamaw River Basin Study | H 1544/ H ppi |
| SB 1613 | Recycling Center/Spruce Pine | |
| SB 1614 | AIDS Education Funds | |
| SB 1615 | Life Sciences Building/ECU | H 1698/ H ppi |
| SB 1621 | Early Childhood Facilities Development | H 1822/ H ppi |
| SB 1626 | Firemen Pension Benefits Increased | |
| SB 1627 | First Flight Centennial Commission | |
| SB 1640 | Medicaid Estate Recovery/Plan | H 2068/ H ppi |
| SB 1708 | Regional Council of Government Study | |
| SB 1715 | Institute of Technology Training Funds | |
| SB 1716 | Transfer Ports Authority | |
| HB 35 | Agriculture Forestry Awareness Membership | S 37/ Ch. 23 |
| HB 47 | Teacher Training Task Force Changes | S 124/ S Appr |
| HB 95 | Capital Planning Com. Meeting | S 751/ S Appr |
| HB 129 | Cancer Coordination and Control Act | S 225/ S Ch&HumRes |
| HB 209 | Abandoned Cemetery Defined | |
| HB 235 | Prison Bond Funds | Sen Com Sub Reconsidered/ Returned to Com |
| HB 2057 | Small Business Surety Bonds | |
| Executive Order | (Governor James B. Hunt) | |
| 11 | Governor's Council Of Fiscal Advisors | |
| 49 | Fiscal Notes on Administrative Rules Affecting Local Governments | |

**BANKS AND THRIFT INSTITUTIONS**

— NONE —

**CAPITAL EXPENDITURES AND IMPROVEMENTS**

| | | |
|---|---|---|
| SB 12 | Strengthening Family Resources | H 10/ H ppi |
| SB 81 | ECU Land Funds | H 238/ H ppi |
| SB 82 | ECU Library Funds | H 239/ H ppi |
| SB 88 | Nantahala Fire and Rescue Funds | |
| SB 254 | Tobacco Museum Funds | H 197/ H ppi |

**Summary of Bills/Resolutions Remaining in Senate**
**CAPITAL EXPENDITURES AND IMPROVEMENTS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 406 | Sheltered Workshop Building Funds | |
| SB 420 | Seafood Laboratory Funds/NCSU | H 259/ H ppi |
| SB 421 | Grassroots Science Museum Funds | H 348/ H ppi |
| SB 426 | Golf Course Funds/Robeson | H 295/ H ppi |
| SB 438 | Fort Fisher Funds | |
| SB 471 | Randleman Reservoir Funds | H 425/ H ppi |
| SB 472 | Spencer Shops Funds | |
| SB 480 | Forest Ranger/Cumberland | |
| SB 484 | 4–H Camp Program Funds | |
| SB 485 | Agriculture Laboratory Building Renovation | H 532/ H ppi |
| SB 486 | Eastern N.C. Agriculture Center | H 477/ H ppi |
| SB 503 | Rural Economic Development Act | H 479/ H ppi |
| SB 518 | Biological Pest Control Laboratory | |
| SB 520 | Local Agriculture Marketing Assistance | H 511/ H ppi |
| SB 534 | Public Libraries Funds | H 530/ H ppi |
| SB 553 | Piedmont Agricultural Center/Guilford | H 260/ H ppi |
| SB 555 | Cape Fear Historical Complex | |
| SB 565 | Books for Blind Recording Studio | H 925/ H ppi |
| SB 567 | Farmers' Market/Carrboro | H 597/ H ppi |
| SB 596 | Library Construction Grants | H 651/ H ppi |
| SB 655 | Capital Budget/Enabling | |
| SB 668 | Nash Cultural Center Renovation | |
| SB 671 | Lenoir Arts/Civic Center | H 693/ H ppi |
| SB 693 | Teachers/Collaborative Support | H 685/ H ppi |
| SB 712 | Wayne Com. College Building | |
| SB 713 | Forestry Headquarters Building/Wayne | |
| SB 717 | Sheltered Workshop/Wayne | |
| SB 721 | Cleveland Co. Mental Health Bldg. | |
| SB 723 | Film School/School of the Arts | H 682/ H ppi |
| SB 762 | State Fair Exhibit Building Funds | |
| SB 783 | Com. College Revolving Loan Fund | |
| SB 805 | Richmond Com. College Building | H 893/ H ppi |
| SB 824 | Public Facilities/Infrastructure Bonds | |
| SB 828 | Natural Science Museum Construction | H 637/ H ppi |
| SB 835 | Minority/Women State Construction Study | H 871/ H ppi |
| SB 844 | Old Chapel Hill Cemetery Funds | H 927/ H ppi |
| SB 850 | Stanly Co. Airport Authority | |
| SB 858 | Chinqua–Penn Planning Grant | H 846/ H ppi |
| SB 888 | State Veterans Home | H 1186/ H ppi |
| SB 938 | Hosiery Technology Center | |
| SB 943 | East Arcadia Senior Center | |
| SB 946 | Tri–County Community College Buildings | |
| SB 947 | Graham/Tri–County Com. College Buildings | |
| SB 948 | Tri–County Community College Student Center | |
| SB 958 | Film Technology/Piedmont Com. College | |
| SB 988 | Spring Lake Com. Center | H 1210/ H ppi |

**Summary of Bills/Resolutions Remaining in Senate**
**CAPITAL EXPENDITURES AND IMPROVEMENTS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 996 | Catawba Valley Arts/Science Center | |
| SB 998 | Haywood Com. College High Tech. Training | |
| SB 999 | Sheltered Workshop/Henderson | |
| SB 1004 | Columbus Co. Industrial Park | |
| SB 1014 | MCNC Communications/WCU | H 916/ H ppi |
| SB 1015 | Business Enterprise Center/WCU | H 1191/ H ppi |
| SB 1016 | Northwest Recreation Building/Brunswick | |
| SB 1022 | Brevard Music Center Funds | |
| SB 1023 | Western Carolina University Capital Improvements | H 918/ H ppi |
| SB 1028 | Senior Citizen's Federation, Inc. Funds | |
| SB 1030 | Erwin Textile Museum Funds | H 1238/ H ppi |
| SB 1031 | Maritime Museum Annex Funds | |
| SB 1036 | Netta Community Center/Lenoir | |
| SB 1037 | Tomorrow Academy Pilot Schools | H 1267/ H ppi |
| SB 1047 | Blue Ridge Com. College Health Building | |
| SB 1048 | Juvenile Detention Fac./Cumberland | |
| SB 1049 | Lumber River State Park Funds | |
| SB 1055 | Rural Hospital Building Grant | |
| SB 1068 | Sickle Cell Center/Fayetteville | H 1256/ H ppi |
| SB 1069 | Child Medical Evaluation Program | |
| SB 1073 | Teen Involvement Project/Cumberland | H 1286/ H ppi |
| SB 1093 | Displaced Homemaker Program Funds | H 1269/ H ppi |
| SB 1099 | Tractor–Plow Hauling Unit/Vance | |
| SB 1101 | Dept. of Commerce Funds | |
| SB 1105 | Durham Leigh Farm Park Funds | H 1326/ H ppi |
| SB 1106 | Minges Coliseum Renovation/ECU | H 1259/ H ppi |
| SB 1107 | Pitt Mediation Center | |
| SB 1122 | Economic Development/Minority Community | |
| SB 1130 | Pinetree Enterprises/West End | |
| SB 1134 | Shakespeare Festival Funds | |
| SB 1138 | Bicentennial Observance/UNC–CH | |
| SB 1140 | Airborne Museum Funds | H 1360/ H ppi |
| SB 1155 | Flat Rock Playhouse Funds | H 1401/ H ppi |
| SB 1166 | Topsail Island Assembly Building | |
| SB 1170 | Water Resources Development Funds | H 1415/ H ppi |
| SB 1173 | Farmer's Market/Southeastern | H 1376/ H ppi |
| SB 1176 | Historic Spencer Shops Funds | |
| SB 1177 | N.C. Arboretum Funds | |
| SB 1182 | Beaufort Com. College Building | |
| SB 1189 | Arthritis Patient Services Mecklenburg/Union | H 1200/ H ppi |
| SB 1191 | Forestry Headquarters Building/Davidson | |
| SB 1193 | Cape Fear Botanical Garden Funds | |
| SB 1194 | Library Expansion/UNC–C | |
| SB 1196 | Kinston Economic Development | |
| SB 1197 | Kinston Com. Center | |

**Summary of Bills/Resolutions Remaining in Senate**
**CAPITAL EXPENDITURES AND IMPROVEMENTS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 1198 | Head Start Facility Construction | |
| SB 1199 | Youth Program Funds/Pender | |
| SB 1201 | Carolina Theatre Project/Durham | |
| SB 1203 | Alternative School Model/Anson | |
| SB 1204 | Historic Preservation/Stanly County | |
| SB 1207 | Rosenwald School Restoration | H 1473/ H ppi |
| SB 1209 | Yates Mill Restoration | H 1478/ H ppi |
| SB 1210 | Lake Benson Park Development | H 1476/ H ppi |
| SB 1211 | Little River Reservoir | H 1477/ H ppi |
| SB 1212 | Senior Citizens Center/Wake | H 1479/ H ppi |
| SB 1213 | Community Center/Garner | H 1482/ H ppi |
| SB 1214 | Oak View Plantation Restoration | H 1475/ H ppi |
| SB 1215 | Natural History Museum Funds | H 1474/ H ppi |
| SB 1216 | Trestle Replacement Beaufort/Morehead RR | |
| SB 1217 | Land Acquisition/UNC–A | |
| SB 1219 | SBI Complex Construction | |
| SB 1220 | Prison Consolidation/Five Units | |
| SB 1221 | Judicial Center Planning Funds | |
| SB 1223 | Farm Loan Reserve | |
| SB 1224 | Solid Waste Disposal/Avery | |
| SB 1225 | Diversified Opportunities/Land Acquisition | |
| SB 1226 | Glen Alpine Sewer Funds | |
| SB 1231 | Western Carolina Boiler Plant | |
| SB 1233 | Charlotte Hawkins Brown Site Renovation | |
| SB 1234 | Corporate Income Tax/Surtax Rate | |
| SB 1238 | Reaching at Risk Population Project/Cumberland | |
| SB 1239 | National Guard Armory/Kinston | |
| SB 1241 | Toxicology Building/NCSU | |
| SB 1246 | Mountain Island Lake Park Funds | |
| SB 1247 | Triangle World Trade Funds | |
| SB 1253 | Oak View Farms Building/Wake | |
| SB 1254 | Parks Capital Improvements Projects | |
| SB 1258 | Centennial Center/NCSU | |
| SB 1263 | Juvenile Detention Fac./Guilford | |
| SB 1272 | Logistics Headquarters Fac./Crime Control | |
| SB 1273 | Governor's Capital Budget 1993 | |
| SB 1285 | Polk Institution Replacement Funds | |
| SB 1287 | Thomas Day House Funds/Caswell | |
| SB 1294 | Museum of the Albemarle Funds | |
| SB 1371 | Community College Capital Projects | H 1595/ H ppi |
| SB 1375 | Applied Textile Technology Center | H 1649/ H ppi |
| SB 1482 | Capital Budget/Enabling | |
| SB 1483 | Capital Budget/Enabling | |
| SB 1492 | Adult Development Vocational Rehab. | H 1568/ H ppi |
| SB 1506 | Capital Budget/Enabling | |
| SB 1552 | Medical School Improvements/ECU | |

**Summary of Bills/Resolutions Remaining in Senate**
**CAPITAL EXPENDITURES AND IMPROVEMENTS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 1558 | Community College Capital Bonds | H 1640/ H ppi |
| SB 1673 | Construction Contract Exemption/Franklin | H 1984/ Ch. 757 |
| SB 1674 | Highway Patrol Headquarters Complex/Bladen | H 1992/ H ppi |

**CHILDREN AND HUMAN RESOURCES**

| | | |
|---|---|---|
| SB 41 | Health Care Cost Control | |
| SB 225 | Cancer Coordination and Control Act | H 129/ S Appr |
| SB 339 | Medicaid Eligibility/Disabled, Aged | H 243/ H ppi |
| SB 478 | Marriage and Family Therapists | H 233/ Ch. 564 |
| SB 494 | Child Death Review Team | H 359/ H ppi |
| SB 495 | Statistics Ctr./Research | H 360/ H ppi |
| SB 539 | Parent/Child Hospital Responsibility | H 552/ Ch. 386 |
| SB 569 | Medical Care Com. Authority | H 587/ Ch. 499 |
| SB 593 | Day Care Enforcement | H 627/ Ch. 185 |
| SB 676 | Early Childhood Initiatives | H 718/ H ppi |
| SB 857 | Esthetic Services Regulation | |
| SB 867 | County Health Board/Chiropractor | H 1088/ H ppi |
| SB 1267 | Liability/Blood Services | |
| SB 1386 | Service Corps Funds | |
| SB 1683 | Foster Parent Records | H 2035/ H ppi |
| HB 752 | Child Caring License Exemption | |

Executive Order (Governor James G. Martin )
- 174 Health Policy Information Council
- 176 Health Objectives for the Year 2000 Task Force
- 179 Americans with Disabilities Act Coordinating Committee
- 182 Electronic Equipment Accessibility for Disabled
- 186 Head Start Collaboration Project Advisory Council

Executive Order (Governor James B. Hunt)
- 41 Infant Mortality Commission Extended
- 43 State Health Coordinating Council
- 47 Board of Education/Schools for the Deaf

**CONSTITUTION AND ELECTION LAWS**

| | | |
|---|---|---|
| SB 77 | Gubernatorial Team Ticket | |
| SB 514 | District Judge's Term/Constitution | |
| SB 677 | State Board of Education Abolished | |
| SB 798 | Wilmington City Council Elections | |
| SB 800 | New Hanover Board of Education Elections | |
| SB 801 | New Hanover Bd. of Commissioners Elections | |
| SB 909 | Guilford Commissioners Elections | H 865/ Ch. 521 |
| SB 1274 | Watershed Regulation Exemption | |
| SB 1400 | Voter Registration Rewrite | H 1776/ Ch. 762 |

**Summary of Bills/Resolutions Remaining in Senate**
**CONSTITUTION AND ELECTION LAWS** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| HB 252 | Guilford Early Voting Program | |
| HB 453 | Unopposed Candidates Elected | |
| HB 772 | Statewide Early Voting | |

**ECONOMIC DEVELOPMENT/TRAVEL AND TOURISM**

| | | |
|---|---|---|
| SB 150 | Strategic Planning Authority | |
| SB 797 | Mecklenburg ABC Hours of Operation | |
| SB 1291 | Piedmont Triad Development Zone | |
| SB 1570 | Regional Development Partnership | H 1945/ H ppi |
| Executive Order (Governor James B. Hunt) | | |
| 9 | Commission For A Competitive North Carolina | |
| 44 | Commission on Business Laws and the Economy | |
| 50 | North Carolina Sports Development Commission | |
| 51 | North Carolina Film Council | |
| 52 | Commission for a Competitive North Carolina Membership | |

**EDUCATION/HIGHER EDUCATION**

| | | |
|---|---|---|
| SB 151 | K–12 Residence Clarification | H 49/ S Ed/HighEd |
| SB 195 | Shared Leave Program for Teachers | |
| SB 224 | Need–Based Cytotechnologist Scholarship/ Salaries | H 106/ Ch. 427 |
| SB 345 | GPAC/Teacher Staff Development | |
| SB 346 | GPAC/School Staff Dev. Group | |
| SB 347 | GPAC/Teacher Staff Development | |
| SB 387 | GPAC/School Administrator Personnel Policy | |
| SB 388 | GPAC/Public School Governance | H 321/ H Const |
| SB 445 | Maximum Class Size/Phys. Ed. | H 222/ S Ed/HighEd |
| SB 448 | Extended School Services | H 256/ Ch. 132 |
| SB 459 | School Administrator Programs/UNC | H 257/ Ch. 199 |
| SB 488 | School Health Screening | H 365/ Ch. 124 |
| SB 547 | School Closings Report Requirement | |
| SB 576 | Youth Services Teacher Certification | H 514/ Ch. 397 |
| SB 664 | Teacher Assistant Leave Flexibility | H 639/ Ch. 475 |
| SB 670 | Differentiated Pay/School Employees | H 581/ Ch. 263 |
| SB 818 | School Employee Continuing Contracts | H 1056/ H ppi |
| SB 879 | School Crime Reports Required | H 1009/ Ch. 327 |
| SB 891 | Penalties/Weapons in School | H 1008/ Ch. 558 |
| SB 893 | Juvenile Delinquent Probation Requirement | H 1092/ Ch. 369 |
| SB 1078 | Community Coll. Personnel Salary Schedule | H 1313/ H Ed |
| SB 1385 | School Technology Fund/Commission | H 1614/ H ppi |
| SB 1458 | Substitute Teacher Pay | |
| SB 1480 | Noncertified School Employee Salaries | H 1599/ H ppi |
| SB 1491 | Alternative School Funds | H 1616/ H ppi |

**Summary of Bills/Resolutions Remaining in Senate**
**EDUCATION/HIGHER EDUCATION** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 1495 | Supplemental Funding Formula | H 1623/ H ppi |
| SB 1497 | Class Size Reduction Pilot Program | |
| SB 1529 | CHIPS Program Funds | S 1589/ S Ed/HighEd; H 1665/ H ppi |
| SB 1545 | National Guard Education Assistance | H 1685/ H ppi |
| SB 1559 | Community College 12 Year Age Level | |
| SB 1573 | UNC Management Fiscal Flexibility | H 1588/ H ppi |
| SB 1577 | School Textbook Law/Evaluation | |
| SB 1589 | CHIPS Program Funds | S 1529/ S Ed/HighEd; H 1665/ H ppi |
| SB 1698 | Nash–Rocky Mount Schools | |
| HB 49 | K–12 Residence Clarification | S 151/ S Ed/HighEd |
| HB 222 | Maximum Class Size/Phys. Ed. | S 445/ S Ed/HighEd |
| HB 970 | Parental Involvement/School Improvement | |
| HB 1002 | Special Ed. Drivers Ed. Age | |
| HB 1589 | Principal Fellows Program Scholarship | S 1418/ Ch. 677 |
| Executive Order (Governor James B. Hunt) | | |
| 12 | Public School Administrator Task Force | |
| 45 | Black Colleges and Universities | |

**ENVIRONMENT AND NATURAL RESOURCES**

| | | |
|---|---|---|
| SB 51 | Local Solid Waste Fees | |
| SB 52 | Polyvinyl Chloride Plastic Container Restrict. | H 90/ H Environ |
| SB 57 | Scrap Tire Disposal Tax | H 83/ Ch. 548 |
| SB 66 | Community Water System Fees | H 51/ H PubUtil |
| SB 524 | Low–Level Waste 10–Mile Restriction | H 462/ H Environ |
| SB 624 | Mining Act Improvements | H 550/ Ch. 568 |
| SB 632 | Clean Air Act Implementation | H 681/ Ch. 400 |
| SB 779 | Low–Level Site Investigator | |
| SB 928 | Underground Storage Tank Act | H 1061/ Ch. 402 |
| SB 1244 | Septic Tank/Mobile Home Law | |
| SB 1557 | Water Resource Development Fund | |
| SJR 1594 | Enabling/Watershed Regulation | |
| SB 1639 | Environmental Audit Protection | H 1949/ H Jud 3 |
| SB 1647 | Septage Management Appeals Process | H 1962/ H Environ |
| SB 1651 | Underground Storage Tank Act/94 | H 1941/ H Jud 3 |
| Executive Order (Governor James B. Hunt) | | |
| 8 | Recycling Program | |

**FINANCE**

| | | |
|---|---|---|
| SB 35 | Index Homestead Exemption | H 165/ H ppi |
| SB 54 | Tax on Household Haz. Items | |
| SB 96 | Water Column Lease | H 31/ Ch. 322 |
| SB 122 | Optimist Club Registration Plates | |
| SB 129 | Minimum Highway Use Tax Lowered | |
| SB 153 | Merchants' Sales Tax Discount | H 645/ H Fin |

**Summary of Bills/Resolutions Remaining in Senate FINANCE** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 157 | Child Care Credit/Nonresidents | |
| SB 160 | Nonresident Joint Tax Returns | |
| SB 215 | Cary/Morrisville Exchange | H 204/ Ch. 27 |
| SB 302 | GPAC/Administrative Hearing Fees | |
| SB 440 | Homestead Exemption Raised | H 105/ Ch. 360 |
| SB 523 | Reinsurer Accreditation Fee | |
| SB 552 | Inheritance Tax Filing Threshold | |
| SB 557 | Lowell Charter Revision | H 461/ Ch. 111 |
| SB 570 | Improve Sedimentation Control | H 644/ Ch. 776 |
| SB 580 | Insurance Regulatory Change | |
| SB 584 | Nonprofit Corporation Act Fees | H 540/ H ppi |
| SB 616 | General Contractors' Fees | H 564/ Ch. 112 |
| SB 619 | Rocky Mount/Nash County Econ. Dev. | |
| SB 654 | Repeal Soft Drink Tax | |
| SB 661 | Privilege License/Entertainment Taxes | |
| SB 675 | Expand Child Care Credit | H 720/ Ch. 432 |
| SB 687 | Transportation Auth. Purchase Contracts | |
| SB 694 | Special Obligation Bonds/Local Government | |
| SB 701 | Uniform Commercial Code Fee | |
| SB 707 | Pender Sales Tax Distribution | H 763/ Ch. 577 |
| SB 749 | Payroll Record Copy Fee | |
| SB 775 | Wallace Franchise Tax Sharing | H 852/ H ppi |
| SB 780 | N.C. Limited Liability Company Act | H 923/ Ch. 354 |
| SB 791 | Rockingham Room Tax Collection | H 800/ H ppi |
| SB 819 | Cary Street Right-of-Way | |
| SB 833 | Certify Property Mappers | H 924/ Ch. 326 |
| SB 848 | Regulate Medical Equipment | |
| SB 852 | Unemployment Insurance Tax Reduced | H 920/ Ch. 85 |
| SB 900 | Interior Designer Certification Act | |
| SB 907 | Community Water System Fees | |
| SB 978 | On-Site Wastewater System Contractors | H 953/ H ppi |
| SB 980 | Septage Defined/Fee Schedule | H 1077/ Ch. 173 |
| SB 1108 | Habitat for Humanity Tax Exemption | H 936/ Ch. 230 |
| SB 1143 | Homestead Exemption/Deferral | |
| SB 1276 | Certificate of Participation Moratorium | |
| SB 1279 | Pre-1989 Loss Deduction Extended | |
| SB 1290 | Refunding Bonds/Exceed Principal | |
| SB 1324 | Poultry Composting Tax Credit | |
| SB 1527 | Intangibles Tax Repeal | |
| SB 1538 | Beaver Control Program/Funds | H 1549/ H ppi |
| SB 1561 | Ports Tax Credit Expanded | H 1944/ Ch. 681 |
| SB 1571 | Private Landfill Fee/Support Personnel | H 1747/ H ppi |
| SB 1617 | Forest Weight Tolerance/Fee | |
| SB 1633 | Motor Vehicle Title Family Transfer | |
| SB 1634 | Title Issuance Fee Reduction | |
| SB 1636 | Intangibles Tax Phased Out | |

**Summary of Bills/Resolutions Remaining in Senate**
**FINANCE** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 1637 | Corporate Income Tax Reduction | |
| SB 1664 | Intangibles Tax Filing Threshold | |
| SB 1666 | Horse Racing Act/Equine Industry | see S 116/ S Jud 1; H 42/H ppi |
| SB 1704 | Ethanol Tax Credit Sunset | |
| SB 1706 | Food Tax Phased Out | |
| SB 1714 | Citrus Fruit Inspection Excise Tax | |
| HB 75 | Intangibles Tax Filing Extension | |
| HB 77 | Income Tax Interest Deduction | |
| HB 664 | Education and Clean Water Bond Act | |
| HB 910 | Massage Therapy Practice | |
| HB 1034 | Non–Licensed Contractor/Wastewater Bd./Elevator Act | |

**INSURANCE**

| | | |
|---|---|---|
| SB 2 | Health Care Reform Act | |
| SB 42 | Health Benefits/Minimum Deduction | |
| SB 249 | Firemen's Dependent Scholarships | |
| SB 672 | Credit Insurance Regulation/Rates | H 665/ Ch. 226 |
| SB 722 | Health Insurance Coverage/Uninsured | |
| SB 771 | Insurance Payment to Registered Nurse | H 457/ Ch. 347 |
| SB 935 | Health Coverage/Cancer Treatment | |
| SB 944 | Auto Insurance/Unauthorized Drivers | |
| SB 1083 | Chiropractors Insurance Equality Act | |

**JUDICIARY I**

| | | |
|---|---|---|
| SB 19 | Weapons on School Property | H 158/ H Unfav |
| SB 24 | Weapons at School/No Drivers License | |
| SB 47 | Inmate Incentive Pay | H 73/ H ppi |
| SB 50 | DWI Level 0.08 | |
| SB 116 | Horse Racing/Referendum | H 42/ H ppi; see S 1666/ S Fin |
| SB 127 | Murder by Vehicle/DWI | |
| SB 237 | Income Withholding for Restitution | |
| SB 251 | Rape/Abolish Spousal Defense | H 214/ Ch. 274 |
| SB 343 | Motor Fuel Marketing Act | |
| SB 397 | CPR/Day Care Homes | H 221/ S Jud 1 |
| SB 401 | Structured Sentencing | H 280/ H Jud 3 |
| SB 402 | Structured Sentencing—2 | H 277/ Ch. 538 |
| SB 403 | Felony Reclassification | H 279/ H ppi |
| SB 404 | Misdemeanor Reclassification | H 278/ Ch. 539 |
| SB 405 | Criminal Justice Partnership Act | H 281/ Ch. 534 |
| SB 419 | Naturpathic License Required | H 353/ H Jud 1 |
| SB 425 | Multicounty ABC Elections | H 346/ Ch. 193 |
| SB 429 | Firearms on School Property | |
| SB 430 | Juvenile Transfer/Superior Court | |
| SB 432 | Parents Pro Se Representation | |
| SB 433 | Training School Alternative | H 229/ H ppi |
| SB 434 | Juvenile Petition/Guardian Ad Litem | H 230/ Ch. 537 |

**Summary of Bills/Resolutions Remaining in Senate**
**JUDICIARY I** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 435 | Parental Control of Minors' Videos | H 228/ H Jud 3 |
| SB 436 | Undisciplined Juveniles 16 to 18 | |
| SB 437 | Juvenile Records Available at Sentencing | H 231/ H Jud 3 |
| SB 439 | Washington Co. Inmates Work | |
| SB 477 | Health Care Power of Atty | |
| SB 487 | Juv. Law/Child Protection | H 364/ Ch. 516 |
| SB 497 | DWI Aggravating Factor/Child Occupant | H 356/ S Jud 1 |
| SB 506 | Warrantless Arrest on School Grounds | H 448/ S Jud 1 |
| SB 507 | New Hanover/Regulate Watercraft | H 436/ Ch. 125 |
| SB 511 | DWI Level 0.08 | |
| SB 517 | Redefine Local Jail Duties | H 584/ H Jud 3 |
| SB 529 | Vital Records Law Duplication | H 569/ Ch. 146 |
| SB 564 | Vital Records Law Integrity | |
| SB 568 | Neglected Juvenile Defined | H 625/ Ch. 324 |
| SB 583 | Dental Labs/Technicians Licensure | |
| SB 618 | Expert Witness/OSHA | |
| SB 653 | Mining Act Amendments | |
| SB 673 | Workers' Comp/Claimant Protection | |
| SB 680 | Employee Grievance Limit | |
| SB 700 | Decriminalize Beer Sales | |
| SB 714 | PIN Access for Infractions | |
| SB 728 | School Suspension Cumulative Record | |
| SB 731 | Seat Belt Enforcement | |
| SB 845 | Dental Hygienist Practice | |
| SB 874 | N.C. Bar/Alimony Law | H 978/ S Jud 1 |
| SB 908 | Surety Bond Procedures | |
| SB 911 | Uniform Roadside Hunting Regulation | H 827/ S Jud 1 |
| SB 915 | Criminal Sentencing Options | H 1035/ Ch. 535 |
| SB 916 | Inmate Hiring Incentive | |
| SB 933 | Concealed Weapon Permit | H 1169/ H Unfav |
| SB 965 | DWI Acquittal/Record | |
| SB 972 | Radiation Tech. Practice Act | |
| SB 1056 | District Attorney Removal/Costs | |
| SB 1061 | Court Costs to Crime Stoppers | |
| SB 1081 | Crim. Record Checks/Hospitals | |
| SB 1114 | Notary Law Recommissioning | |
| SB 1119 | Credit Line Closed by Spouse | |
| SB 1126 | Homicide/Prima Facie Evidence | |
| SB 1147 | DMV False Records Penalties | |
| SB 1153 | Repeal Chapter 104F Low–Level Waste | |
| SB 1168 | Electronic Dog Collar Removal | |
| SB 1184 | Car Repairs Authorization | |
| SB 1237 | ABC Licensed Premise Inspection | |
| SB 1288 | Child Testimony Televised | |
| SB 1336 | Service of Process Privatized | H 1600/ H Jud 2 |
| SB 1379 | Day Care Provider Central Registry | H 1512/ S Jud 1 |

**Summary of Bills/Resolutions Remaining in Senate**
**JUDICIARY I** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 1413 | Drug Sale Penalty Increase | H 1550/ H Jud 1 |
| HB 6 | Obstructing Legislative Process | |
| HB 71 | Prison Laundry Emergency Use | S 45/H Bus&Labor |
| HB 116 | Evidence in Jury Room | |
| HB 216 | Domestic Violence Restraining Order | |
| HB 221 | CPR/Day Care Homes | S 397/ S Jud 1 |
| HB 356 | DWI Aggravating Factor/Child Occupant | S 497/ S Jud 1 |
| HB 357 | Juvenile Judge Certification | |
| HB 419 | Passing Stopped School Bus/ Evidence as to Owner | |
| HB 448 | Warrantless Arrest on School Grounds | S 506/ S Jud 1 |
| HB 542 | Small Estate Amounts | |
| HB 548 | Seafood Park Authority/Weapons Discharge | |
| HB 551 | DWI Conviction License Restoration | |
| HB 565 | State Building Keys Duplication | |
| HB 728 | Seat Belt Admissible Evidence | H 697/ H Jud 1 |
| HB 759 | Elizabeth City Loitering/Drug Abuse | |
| HB 823 | Wake Firearm Possession by Minors | |
| HB 827 | Uniform Roadside Hunting Regulation | S 911/ S Jud 1 |
| HB 835 | Firearm Regulation/Durham County | |
| HB 858 | Handgun Possession Under 18 | S 793/ Ch. 259 |
| HB 863 | Impersonating an Officer/Felony | |
| HB 915 | Health Care Consent/Minor | S 955/ Ch. 150 |
| HB 978 | N.C. Bar/Alimony Law | S 874/ S Jud 1 |
| HB 986 | Dangerous Dog Law | |
| HB 998 | Litter Law Minimum Fine/Reward | |
| HB 1115 | Sex Exploitation By Psychotherapist | |
| HB 1151 | Litter Law Community Service | |
| HB 1226 | Overloaded Motor Vehicle Seizure | |
| HB 1512 | Day Care Provider Central Registry | S 1379/ S Jud 1 |
| HB 1999 | Durham/Criminal Case Reward | |
| HB 2021 | Vance Hunting Registration | |
| HB 2123 | Prisoner Employment Requirement | |
| Executive Order (Governor James G. Martin) | | |
| 180 | Extradition Secretary Transfer | |
| 184 | Commutation/Pardon Analyst Transfer | |

**JUDICIARY II**

| | | |
|---|---|---|
| SB 29 | Family and Medical Leave Act | H 53/ H ppi |
| SB 40 | Landowner Liability Protection | H 36/ S Jud 2 |
| SB 234 | Nash Geographical Info. Exemption | |
| SB 336 | Day Care Provider Criminal Record Check | H 200/ H Jud 1 |
| SB 340 | Social Service Employees Immunity | H 242/ H Rules |
| SB 399 | State Ethics Act | H 282/ H Ethics |
| SB 408 | Administrative Hearings Final Disposition | |
| SB 418 | Public Records Law Amended | H 121/ H ppi |

**Summary of Bills/Resolutions Remaining in Senate**
**JUDICIARY II** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 491 | Statewide Family Preservation Services | H 362/ H ppi |
| SB 492 | Prosecutorial Child Protection Initiatives | H 358/ Ch. 723 |
| SB 537 | Estate Filing/Accounting Liability | |
| SB 582 | Business Corp. Act/Foreign Corp. | H 539/ Ch. 552 |
| SB 585 | Nonprofit Corporation Act | H 624/ Ch. 398 |
| SB 598 | Patient Records/EHNR Investigation | H 613/ Ch. 715 |
| SB 607 | Adoptions Statute Rewrite | |
| SB 608 | Uniform Perpetuities Rule | |
| SB 609 | Time Limit Option Land Interest | |
| SB 610 | Pet Cemetery Trusts | |
| SB 636 | Legislator Fund–Raising During Session | H 403/ H Jud 1 |
| SB 639 | Health Workers/HIV Restrictions | |
| SB 641 | Abortion Clinic Operation Rules | |
| SB 691 | Notice of Settlement Act Sunset | H 619/ Ch. 763 |
| SB 697 | Trustee Powers Act | |
| SB 698 | Principal and Income Act | H 841/ Ch. 284 |
| SB 715 | Printing Facilities Contract In–State | H 933/ H ppi |
| SB 718 | Financial Regulatory Boards | |
| SB 752 | State Real Property/Non–Public Record | H 93/ H Jud 3 |
| SB 755 | Public Real Property/Non–Public Record | |
| SB 759 | Employee Purchase Liability | H 20/ S Jud 2 |
| SB 765 | Social Host Liability | |
| SB 890 | Substance Abuse Professional Certification | H 1142/ Ch. 685 |
| SB 953 | Paternity Establishment | |
| SB 963 | Recording Assignment/Security | |
| SB 984 | Industrial Commission Mediation Program | H 658/ Ch. 399 |
| SB 997 | Recognition of Foreign Judgments | H 991/ Ch. 188 |
| SB 1064 | Manufactured Housing Deposit Refund | |
| SB 1175 | Registration Plate Surrender Penalty | |
| SB 1187 | Prepaid Legal Service Regulated | |
| SB 1228 | Manufactured Homes/Bill of Rights | |
| SB 1369 | Voluntary Student Prayer | H 1768/ H Jud 1 |
| SB 1393 | Magistrates' Qualification/Salary | |
| SB 1411 | Lien Law Attorney's Fee | H 1726/ H Courts |
| SB 1452 | Drug Treatment Court Act | |
| SB 1509 | Victim Restitution Probation Condition | H 1716/ H ppi |
| SB 1539 | Public School Personnel/Criminal Record | |
| SB 1565 | Campaign Contribution/Expenditure Period | H 1777/ H Jud 1 |
| SJR 1602 | Enabling/Enforcement of Judgment by Debtor | |
| SB 1641 | Trade Secret Environmental Data | H 1972/ Ch. 694 |
| SJR 1705 | Enabling/Technical Corrections | |
| HB 20 | Employee Purchase Liability | S 759/ S Jud 2 |
| HB 36 | Landowner Liability Protection | S 40/ S Jud 2 |
| HB 788 | Burn–Related Injuries Reported | |
| HB 987 | Optometry Peer Review | |
| HB 1015 | Infractions/Prayer for Judgment | |
| HB 1091 | Superior Court Mediated Settlement | |

**Summary of Bills/Resolutions Remaining in Senate**

**LOCAL GOVERNMENT AND REGIONAL AFFAIRS**

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 473 | Northwest Incorporated | H 405/ Ch. 222 |
| SB 512 | Polk Economic Development | |
| SB 642 | Halifax Coroner Abolished | H 586/ Ch. 36 |
| SB 686 | Annexation Water/Sewer Service | |
| SB 703 | Pender Commissioner Districts | |
| SB 704 | Pender Local Land Transfer Tax | |
| SB 705 | Pender School Districts | |
| SB 807 | Orange County Antidiscrimination Rewrite | |
| SB 820 | Cary MV Tax Increased | H 898/ Ch. 325 |
| SB 1011 | Garner User Fees | |
| SB 1227 | Outdoor Advertising Fee Increase | |
| SB 1408 | Cabarrus Local Act/Enabling | |
| SB 1595 | Avery School Property Acquisition | H 1644/ Ch. 622 |
| SB 1631 | Local Gov. Sanitary Landfill Permit | H 1973/ Ch. 722 |
| SB 1649 | Salisbury Charter/Rental Permit | |
| SB 1654 | Greenville Wheel Locks | H 1722/ Ch. 609 |
| SB 1655 | Pitt Emergency Equipment Replacement | |
| SB 1656 | Grifton Deannexation/Lenoir | H 1557/ Ch. 604 |
| SB 1657 | Winterville Charter Revision | H 1556/ Ch. 603 |
| SB 1659 | Greensboro Housing Code Notices | |
| SB 1661 | Durham Zoning Notice/Annexation | |
| SB 1680 | Durham Zoning Notice/Annexation | |
| SB 1688 | Charlotte Firefighters Retirement System Act | H 2065/ Ch. 640 |
| SB 1689 | Aberdeen Meals Tax | |
| SB 1690 | Caswell Water/Sewer Authority/Enabling | H 2040/ H Rules |
| SB 1691 | Person Local Bill/Enabling | |
| SB 1692 | Caswell Local Bill/Enabling | |
| SB 1694 | Alamance Local Bill/Enabling | |
| SJR 1696 | Enabling/Utilities Relocation | |
| SB 1697 | Nash School Property Acquisition | |
| SB 1699 | Halifax Local Bill/Enabling | |
| SJR 1703 | Enabling/Sanitary District Corporate Powers | |
| HB 13 | Mooresville Force Account Limit | |
| HB 733 | Gaston Long–Term Lease Exemption | |
| HB 791 | Greensboro Economic Development | |
| HB 864 | Stanly County ABC Profit Distribution | |
| HB 1925 | Surry Landfill Construction Exemption | S 1665/ Ch. 705 |
| HB 2002 | Durham Housing Code/Property Acquisition | S 1653/ Ch. 658 |
| HB 2028 | Watauga Athletic Facility Project | |
| HB 2055 | Raleigh Council Special Election | |

**MANUFACTURING AND LABOR**

| | | |
|---|---|---|
| SB 72 | Hazardous Materials Emergency Response | H 86/ H ppi |
| SB 112 | Worker's Comp./Physician Selection | H 188/ H Jud 3 |
| SB 113 | Health and Safety Training | H 186/ Ch. 170 |
| SB 114 | Statute of Repose Repealed | H 183/ H Jud 3 |
| SB 115 | Machine Safety Guards | H 185/ H Jud 3 |

**Summary of Bills/Resolutions Remaining in Senate**

**MANUFACTURING AND LABOR** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 540 | Industrial Commission Fund Created | |
| SB 816 | Labor Organization Employment Conference | |
| SB 1051 | Overtime Exemption | |
| SB 1098 | Separate Plumbing/Sprinkler Bids | |
| SJR 1686 | Enabling/Unemployment Comp/ Tobacco Litigation | H 2025/ H Rules |

**PENSIONS AND RETIREMENT**

| | | |
|---|---|---|
| SB 236 | Firemen's Pension Fund Retroactive | H 225/ Ch. 429 |
| SB 770 | Insurance Payment to Registered Nurse | H 458/ H Ins |
| SB 949 | Early Retirement Penalty Reduction | H 1162/ H Pens&Ret |
| SB 1205 | School Employees/Leave Conversion | H 1203/ H Unfav |
| SB 1235 | Career Fire Fighter Retirement | |
| SB 1553 | Firemen/Rescue Squad Benefits | H 1683/ Ch. 653 |
| SB 1580 | Retirement Formula Increased | H 1695/ H ppi |
| SB 1581 | Teachers' and State Employees' Retirement Increase | H 1696/H Pens&Ret |
| SB 1710 | General Assembly Retirement Purchase | |

**PUBLIC UTILITIES**

| | | |
|---|---|---|
| SB 813 | Energy Assistance Fund/Deposits | |
| SB 1470 | Natural Gas Service Reports | H 1642/ Ch. 560 |
| HB 449 | Interest and Penalties on Refunds | |
| HB 1112 | Time Limit/Unsolicited Calls | |

**RULES AND OPERATION OF THE SENATE**

| | | |
|---|---|---|
| SJR 13 | Education Support Services Commission | H 11/ H Rules |
| SJR 22 | Confidentiality Requirements Barrier Study/LRC | |
| SJR 56 | Solid Waste Management Study/LRC | H 69/ H Rules |
| SJR 67 | Water Issues Study/LRC | H 52/ H Rules |
| SB 69 | Public Health Study Commission Established | |
| SB 75 | Emergency Mgmt. Issues Study Continued | H 88/ H Rules |
| SB 76 | Legislator's Salary/Judicial Ratio | |
| SB 85 | Mountain Area Study Commission Funds | H 117/ H ppi |
| SB 86 | Mountain Area Study Commission Continued | H 118/ H Rules |
| SB 89 | Child Care Commission Established | H 213/ H ppi |
| SJR 107 | Fire/Occupational Safety Study/LRC | H 191/ H Rules |
| SJR 111 | Building Improvement Reports System | H 70/ H Rules |
| SB 119 | State Personnel Study Created | H 196/ H Rules |
| SB 120 | Flexible Benefits Study Created | H 194/ S Rules |
| SB 170 | GPAC/Traffic Services Division | |
| SB 190 | GPAC/Dept. of Commerce Restructured | |
| SB 194 | Fiscal Trends and Reform Commission Established | H 267/ H ppi |
| SB 223 | Chiropractic College Need Study | H 224/ H Rules |
| SB 232 | County Day Care | H 206/ H ppi |
| SB 250 | Criminal Case Disposition Study | |
| SB 298 | GPAC/Public Health Program Study Commission | H 289/ H Rules |

**Summary of Bills/Resolutions Remaining in Senate**
**RULES AND OPERATION OF THE SENATE** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SJR 337 | Continue Energy Conservation/LRC | H 104/ H Rules |
| SB 354 | GPAC/Indexing of Journals | |
| SJR 390 | GPAC/UNC Board of Governors Appointment Process | |
| SB 395 | Compliance Review Commission Created | |
| SB 400 | Mental Health Study Commission Cont'd. | H 305/ H Rules |
| SJR 424 | Quality Improvement Report/Mental Health | H 250/ Res. 28 |
| SJR 427 | Policy Guidance for Services/Mental Health | |
| SB 443 | Physical Fitness Study/LRC | |
| SJR 465 | Honoring Bessemer City 100th Anniv. | |
| SB 493 | Child Abuse/Prosecution Joint Training | H 363/ S Rules |
| SB 498 | Rockingham Public School Merger | H 426/ Ch. 15 |
| SB 554 | Fletcher–Jeralds Health Reform Act | H 612/ S Rules |
| SB 561 | Commission for Blind Restructured | H 635/ H ppi |
| SB 587 | Workers' Compensation Study Commission | |
| SB 634 | Local Regulatory Fees/Enabling | |
| SJR 638 | Honor Late Gov. Melville Broughton | H 680/ Res. 9 |
| SB 647 | Watermelon Festival/Hertford County | H 318/ Ch. 212 |
| SB 683 | Law Enforcement Officer Conduct/LRC | |
| SB 736 | Partnership for Quality Growth Established | |
| SB 739 | Certificate of Participation Study Committee | |
| SB 741 | Legis. Info. Technology Oversight Committee | |
| SB 756 | State Real Property Transfer Study Commission | H 92/ H Rules |
| SB 766 | Governor/Council of State | H 61/ S Rules |
| SB 776 | Physician Extended Program Study | |
| SB 829 | Museum of Nat. Sciences Transfer/EHNR | H 638/ H ppi |
| SB 856 | Reidsville Electoral System/Enabling | |
| SB 877 | Interstate Carriers/Enabling | |
| SB 881 | Second Juvenile Code Revision Committee | H 1007/ S Rules |
| SB 920 | Legislative Salary Include Expense | |
| SB 931 | Entry of Judgment Rule/Enabling | |
| SB 956 | Marketing of Animal Residues Study | |
| SJR 993 | Family Law Reform/LRC | |
| SB 1043 | Medical Care Savings Plan | |
| SB 1046 | Catawba County Law/Enabling | |
| SB 1092 | Documents by Reference Research Study | |
| SB 1116 | Animal Fighting Offenses/Enabling | |
| SB 1150 | UNC/Undergraduate Quality Education | |
| SJR 1156 | Chiropractic Health Care Study/LRC | H 1309/ H Rules |
| SJR 1159 | Medical Malpractice v. Tort Claim Study/LRC | |
| SJR 1167 | Fine/Forfeiture Proceeds Study/LRC | |
| SJR 1172 | Recovery Care Center Study/LRC | H 1434/ H Rules |
| SB 1178 | State Purchasing System Study | |
| SB 1181 | Exactions Study/LRC | H 1413/ H Rules |
| SB 1192 | Disaster Relief Volunteer Study/LRC | H 1283/ H Rules |

**Summary of Bills/Resolutions Remaining in Senate**
**RULES AND OPERATION OF THE SENATE** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 1200 | Alternative Schools Commission | |
| SB 1218 | Nonpartisan Redistricting/Constitution | |
| SR 1229 | Cherry Point Depot Retention | |
| SB 1236 | Status of Minority Males Study Com. | |
| SJR 1251 | Long–Term Care Medicaid/LRC | |
| SB 1261 | Economic Impact of Rules Study Commission | |
| SB 1262 | African–American Center Study Commission | see S 1522/S Rules |
| SJR 1264 | Early Retirement Penalty/LRC | |
| SB 1265 | Mental Health Laws/Enabling | |
| SJR 1266 | Career Fire Fighters Benefits/LRC | |
| SB 1268 | Revenue Sources Study/LRC | |
| SB 1269 | Regional Government Econ Dev. Zone Study/LRC | |
| SB 1270 | LRC Omnibus Study Bill | |
| SB 1271 | Free Trade Agreement Study/LRC | |
| SB 1275 | Mountain Island Lake Park Study | |
| SB 1280 | UNC Gerontology Institute | |
| SB 1281 | Educational Neglect Study/Oversight Com. | |
| SB 1282 | UNC Marine Sciences Study/UNC | |
| SB 1283 | Bill Payment Agent Tax/Enabling | |
| SB 1286 | Roanoke Island Historical Com./Enabling | |
| SB 1293 | Health Care Reform Com. | |
| SB 1295 | School Sewer Systems Study/LRC | |
| SJR 1297 | Adjournment Sine Die | |
| SJR 1328 | Enabling/Honor Joe Max Thomas | H 1559/ Res. 32 |
| SB 1335 | Medicaid Compliance | H 1563/ Ch. 644 |
| SJR 1410 | Law Officer/Animal Felony Assault/Enabling | |
| SJR 1501 | Enabling/Honor Ralph Sadler | |
| SB 1522 | African–American Center Study Commission | H 1801/ H ppi |
| SB 1554 | Debtor's Personal Injury Exemption | |
| SJR 1622 | Proclaiming Smokey Bear Day | H 1730/ H Rules |
| SJR 1629 | Enabling/Rights of Crime Victims | |
| SB 1635 | Telemarketing License Tax/Enabling | |
| SB 1658 | Rockingham Co. Solid Waste Landfill Auth./Enabling | |
| SJR 1678 | Enabling/Honoring NC World War II Veterans | H 2013/ S Rules |
| SB 1695 | Piedmont Sports and Entertainment Authority/Enabling | |
| SJR 1701 | Enabling/Unlawful Sexual Act Age Limit | |
| SJR 1711 | Enabling/Global TransPark Zone Expanded | |
| SB 1722 | Senate President Appointments | |
| HB 41 | Teacher Training Task Force | |
| HB 61 | Governor/Council of State | S 766/ S Rules |
| HB 74 | Tax Record Confidentiality | |
| HB 153 | N.C. Rail Council | S 64/ Ch. 483 |
| HB 194 | Flexible Benefits Study Created | S 120/ S Rules |

**Summary of Bills/Resolutions Remaining in Senate**
**RULES AND OPERATION OF THE SENATE** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| HB 220 | Corporal Punishment/Day Care Regulation | S 227/ Ch. 268 |
| HB 311 | GPAC/School Administrator/Lateral Entry | S 385/ Ch. 166 |
| HB 352 | Child Health Evaluation Plan Committee | S 496/ Ch. 357 |
| HB 363 | Child Abuse/Prosecution Joint Training | S 493/ S Rules |
| HB 404 | Felony Bomb Threats | |
| HB 612 | Managed Care Provider | S 554/ S Rules |
| HB 647 | Mold Retention Act | |
| HB 691 | Forsyth Downtown School Project | S 666/ Ch. 128 |
| HB 784 | Natural Gas Study/Utilities Commission | |
| HB 829 | Mecklenburg Voting Machines | |
| HJR 833 | Honoring James Paul Tyndall | |
| HB 849 | Drivers License Reflect Race | |
| HB 854 | Oakboro Boundaries | S 789/ Ch. 254 |
| HB 880 | Durham Fair Housing | |
| HB 1005 | Funeral Procession Regulation | |
| HB 1007 | Second Juvenile Code Revision Committee | S 881/ S Rules |
| HB 1028 | State Taxpayers' Rights | |
| HB 1029 | Pesticide Applicator Licensing | |
| HB 1046 | Purchase and Contract Update | |
| HB 1098 | Advertising Contracts/Periodicals | |
| HB 1121 | Water Supply Plan Approval | |
| HB 1150 | Road Abandonment Consent Requirement | |
| HB 1161 | Brain Disorder/Insurance Study | |
| HJR1759 | Enabling/Clinical Social Worker Licensure | |
| HB 1868 | Seven Lakes Law Enforcement | |
| HJR2013 | Enabling/Honoring NC World War II Veterans | S 1678/ S Rules |
| HJR2109 | Enabling/Establishment of Child Paternity | S 1702/ Held as Filed |
| HJR2130 | Honoring Life and Memory of Joe Max Thomas | S 1718/ H Rules |

Executive Order (Governor James B. Hunt)
21 Local Government Partnership Council
22 Equal Employment Opportunity
23 Public School Administrator Task Force
24 Hurricane Emily Relief
25 Recission of Miscellaneous Executive Orders
26 Employee Deferred Compensation Plan Board
27 State Employee Recognition
28 Agriculture, Forestry, and Seafood Industry Advisory Committee
29 Teacher Advisory Committee
30 Highway Beautification Council
31 National and Community Service Commission
32 Military Affairs Commission
33 Persian Gulf War Memorial Commission
34 Highway Safety Commission
35 State Employee Action Commission

**Summary of Bills/Resolutions Remaining in Senate**
**RULES AND OPERATION OF THE SENATE** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| Executive Order (Governor James B. Hunt)—Continued | | |
| 36 | Smoking Policy Coordinating Committee | |
| 37 | Public Records Access | |
| 38 | Health Policy Information Council | |
| 39 | Public School Administrator Task Force | |
| 40 | Competitive North Carolina Commission | |
| 42 | Recission of Miscellaneous Executive Orders | |
| 46 | Substance Abuse Treatment and Prevention Commission | |
| 53 | Homeless Program Coordinating Council | |

**STATE PERSONNEL AND STATE GOVERNMENT**

| | | |
|---|---|---|
| SB 74 | Disaster Leave Law | H 87/ Ch. 13 |
| SB 92 | Energy Policy for State Government | H 101/ Ch. 334 |
| SB 753 | Abolish Energy Development Authority | H 94/ Ch. 16 |
| SB 830 | UNC Alumni Mailing Lists | |
| SB 864 | Public Contracts/Fire Sprinklers | |
| SB 1242 | State Contract Bonding | |
| SB 1490 | Teacher Longevity Funds | |
| SB 1528 | Civil War Commission/Funds | H 1756/ H ppi |
| HB 19 | Bid Rejection Standard Clarified | |
| HB 22 | Purchase/Contract Monitored | |
| HB 23 | Contractual Service Contracts Defined | |
| HB 91 | State Waste Reduction | S 90/ Ch. 197 |
| HB 130 | Site–Based Management Task Force | |
| HB 497 | Publications to State Personnel | |
| HB 568 | Taxpayer Identification/State Invoice | |
| HB 1965 | Advance Notice of Rule Making | |
| Executive Order (Governor James G. Martin) | | |
| 172 | Recycling/Waste Reduction | |
| 173 | State Employees Combined Campaign | |
| 185 | Extension/Rescission Miscellaneous Executive Orders | |
| Executive Order (Governor James B. Hunt) | | |
| 1 | Board of Ethics | |
| 2 | Small Business Council | |
| 3 | "Keep America Beautiful" Program | |
| 4 | Workforce Preparedness Coordinating Council | |
| 6 | Entrepreneurial Development Board | |
| 7 | Drug Cabinet Abolished | |
| 10 | Quality Leadership Awards Council | |
| 13 | Quality Leadership Awards Council Amendment | |
| 14 | Board of Ethics Amendment | |
| 15 | Coordinating Committee/Americans With Disabilities | |

**Summary of Bills/Resolutions Remaining in Senate**
**STATE PERSONNEL AND STATE GOVERNMENT** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| Executive Order (Governor James B. Hunt)—Continued | | |
| 16 | Geographic Information Council | |
| 17 | Emergency Response Commission | |
| 18 | Emergency Management Program | |
| 19 | School Violence Prevention Center | |
| 48 | National/Community Service Commission | |

**TRANSPORTATION**

| | | |
|---|---|---|
| SB 38 | Lighting Requirements Agriculture Trailers | H 37/ H Jud 2 |
| SB 73 | Gas Service for Handicapped | H 138/ H Jud 2 |
| SB 1027 | Farm Commercial Driver License | |
| SB 1259 | Raleigh Outer Loop Funds | |
| SB 1618 | Vehicle Overweight Penalties | |
| SJR 1687 | Enabling/Sidewalk/Powell Bill Funds | |
| Executive Order (Governor James G. Martin) | | |
| 175 | Hurricane Andrew Relief | |
| 177 | Hurricane Andrew Relief Extended | |
| 178 | Yams Shipment Weight Penalty Waived | |
| 181 | Yams Shipment Weight Penalty Waived Amendment | |
| 183 | Hurricane Andrew Relief Reissued | |
| Executive Order (Governor James B. Hunt) | | |
| 5 | Winter Storm Emergency Relief | |

**WAYS AND MEANS**

| | | |
|---|---|---|
| SB 255 | Counselor Licensing | H 218/ Ch. 514 |
| SB 763 | Minimum Farm Taxation | |
| SB 786 | Commercial Jet Fuel Fee Refund | |
| SB 941 | Property Tax Liens Priority | |
| SB 1012 | Economic Impact of Rules | |
| SB 1596 | Taxpayers Protection Act | H 2047/ H ppi |

## SELECT COMMITTEES

**BONDS**

| | | |
|---|---|---|
| SB 65 | Clean Water Bond Bill | H 60/ H Fin |
| SB 396 | Community College Bonds—2 | |
| SB 1087 | Head Start Bond Act | H 1312/ H ppi |

**GOVERNMENT PERFORMANCE AUDIT**

| | | |
|---|---|---|
| SB 131 | GPAC/Purchase and Contract Staff Reduction | H 344/ H ppi |
| SB 133 | GPAC/Expedite State Bid Review | |
| SB 134 | GPAC/Improve Government Procurement | |
| SB 136 | GPAC/Redirect Government Purchasing Staff | H 343/ H ppi |
| SB 137 | GPAC/Info. System/Government Purchases | |
| SB 138 | GPAC/Annual Financial Model Required | |

**Summary of Bills/Resolutions Remaining in Senate**
**GOVERNMENT PERFORMANCE AUDIT** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 139 | GPAC/Single Prime/Capital Projects | |
| SB 140 | GPAC/Improve State Term Contract | |
| SB 141 | GPAC/Improve Bldg. Designer Selection | |
| SB 143 | GPAC/Combine N.C./U.S. Surplus Property | |
| SB 144 | GPAC/State Surplus Management System | |
| SB 145 | GPAC/Purchasing Manual Update | |
| SB 146 | GPAC/Privatization of State Services | |
| SB 148 | GPAC/Government Purchase Standards | |
| SB 166 | GPAC/Reassess Highway Trust Program | |
| SB 167 | GPAC/Automated Vehicle Registration | |
| SB 168 | GPAC/Municipal Agreements Increased | |
| SB 169 | GPAC/Reorganize Department of Transportation | |
| SB 185 | GPAC/Economic Development Assignment | |
| SB 186 | GPAC/Nonprofit Corporation Purpose | |
| SB 187 | GPAC/Economic Dev. Indicator/Budget Request | |
| SB 189 | GPAC/Science and Technology Board Transfer | |
| SB 191 | GPAC/Commerce Regional Office Merger | S 238/S GovPerform |
| SB 193 | GPAC/Economic Dev. Council/Plan | |
| SB 199 | GPAC/Medicaid Carolina Access Statewide | |
| SB 205 | GPAC/Certificate of Need Capital Expenditure | |
| SB 207 | GPAC/Certificate of Need Formula | |
| SB 210 | GPAC/Certificate of Need Reimbursement | |
| SB 238 | GPAC/Commerce Regional Office Merger | S 191/S GovPerform |
| SB 239 | GPAC/Integrated Tax Admin. System | |
| SB 241 | GPAC/Budget/Management Transfer | |
| SB 244 | GPAC/Marine Affairs Aquarium Transfer/ Staff | |
| SB 246 | GPAC/School for Deaf Funding | H 302/ H Rules |
| SB 247 | GPAC/Rate/Payment Policy Mental Health | |
| SB 257 | GPAC/Legislative Peer Review | |
| SB 258 | GPAC/Legislative Facilities Plan | |
| SB 259 | GPAC/Legislative Services Quarterly Meeting | |
| SB 261 | GPAC/Budget Based on Program Result | |
| SB 263 | GPAC/State Information Processing System | |
| SB 264 | GPAC/Financial Institution Regulation Study | H 271/ H Rules |
| SB 265 | GPAC/Revenue Department Supervisors Reduced | |
| SB 266 | GPAC/Deputy Secretary of Revenue/Hearing Officer | |
| SB 267 | GPAC/Interstate Tax Audits Expanded | |
| SB 268 | GPAC/Taxpayer Assistance Phased Out | |
| SB 269 | GPAC/Revenue Field Officers Reduced | |

**Summary of Bills/Resolutions Remaining in Senate**
**GOVERNMENT PERFORMANCE AUDIT** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 272 | GPAC/Community College Tuition Level | |
| SB 274 | GPAC/Local Community College Board Appointed | |
| SB 276 | GPAC/Community College President Selection | |
| SB 278 | GPAC/Worker Training Program Transfer | H 336/H Bus&Labor |
| SB 279 | GPAC/Advocacy Group Transfers | |
| SB 285 | GPAC/Butner Public Safety Study | H 312/S GovPerform |
| SB 287 | GPAC/Political Hiring Policy | |
| SB 292 | GPAC/Law Enforcement Retirement Income | |
| SB 293 | GPAC/Law Enforcement Officer Funds Restricted | |
| SB 294 | GPAC/Highway Patrol Merit Pay Review | |
| SB 296 | GPAC/Human Resources Management Monitored | |
| SB 297 | GPAC/Human Resources Mgmt. Legislative Officer | |
| SB 299 | GPAC/N.C. Register/Code Transfer | |
| SB 300 | GPAC/Administrative Hearings Staff Reorganization | |
| SB 301 | GPAC/Admin. Hearings High Point Off. Eliminated | |
| SB 303 | GPAC/Longevity Equalized | H 324/ H ppi |
| SB 304 | GPAC/Longevity Equalized/Freeze | H 325/ H ppi |
| SB 305 | GPAC/Longevity Eliminated | H 327/ H ppi |
| SB 306 | GPAC/Longevity Eliminated/ Freeze | H 275/ H ppi |
| SB 307 | GPAC/State Employee Performance Pay/ Appraisal | |
| SB 309 | GPAC/Personnel Directors Appointment | |
| SB 312 | GPAC/Boards/Commissions Sunset | H 317/ H ppi |
| SB 316 | GPAC/Information Technology Job Description | |
| SB 317 | GPAC/Information Processing Services Review | |
| SB 319 | GPAC/Technology Project Multiyear Funding | |
| SB 320 | GPAC/Information Processing Staff Relocation | |
| SB 321 | GPAC/Information Processing Tech. Leadership | |
| SB 322 | GPAC/Information Systems Audit | |
| SB 323 | GPAC/Information Systems Service Improved | |
| SB 324 | GPAC/Information Technology Standardized | |
| SB 325 | GPAC/Information Resources Policy Mandate | |
| SB 326 | GPAC/Information Resources Management Oversight | |
| SB 327 | GPAC/Information Resources Disaster Recovery | |

**Summary of Bills/Resolutions Remaining in Senate**
**GOVERNMENT PERFORMANCE AUDIT** (Continued)

| Bill No. | Short Title | Identical Bill/Last Action or Note |
|---|---|---|
| SB 328 | GPAC/Information Processing Services Mgmt. | |
| SB 329 | GPAC/Personal Computer Purchase Plan | |
| SB 330 | GPAC/Major Medical Plan Benefits Review | |
| SB 331 | GPAC/Major Medical Plan Benefits/Premiums | |
| SB 332 | GPAC/State Employee Salaries/Benefits | H 341/S GovPerform |
| SB 351 | GPAC/Enabling | |
| SB 352 | GPAC/Enabling | |
| SB 355 | GPAC/Legislative Services Personnel Review | |
| SB 367 | GPAC/Personnel Commission Rules/Law Enforcement | |
| SB 381 | GPAC/School Accreditation Stabilized/3 Years | |
| SB 382 | GPAC/School Performanced–based Accountability Mandatory | |
| SB 383 | GPAC/Basic Education Plan Standards | |
| SB 389 | GPAC/Community College Governing Structure | |
| SB 392 | GPAC/Private College State Aid | H 303/ H Ed |
| SB 394 | GPAC/UNC Tuition and Policy | |
| SB 410 | GPAC/Information Resource Management Commission | H 308/ H ppi |
| SB 411 | GPAC/Telecommunications Reorganization | H 377/ H ppi |
| SB 413 | GPAC/Health Care Office Established | H 293/ H ppi |
| HB 304 | GPAC/Teacher Certification | |
| HB 309 | GPAC/State Agency Analyses | S 242/ H StateGov |
| HB 312 | GPAC/Butner Public Safety Study | S 285/ S GovPerform |
| HB 341 | GPAC/State Employees Salaries/Benefits | S 332/ S GovPerform |

**S.B. 906**— NONE —

**UNFAVORABLE REPORT FOR AMENDMENT AS COMMITTEE SUBSTITUTE (* Title Change )**

| Bill No. | Short Title | Identical Bill/Rewritten by Committee |
|---|---|---|
| SB 7 | * Uniform Ins. Claim Form | Insurance |
| SB 8 | Self–Referrals/Health Care Provider Prohib. | Judiciary II |
| SB 9 | * Certificate of Public Advantage | Judiciary II |
| SB 9 | * Certificate of Public Advantage | Finance |
| SB 10 | Certificate of Need Modifications | Judiciary I |
| SB 11 | Lottery/With Referendum | Judiciary I |
| SB 11 | Lottery/With Referendum | Finance |
| SB 14 | * Education Bond Act | Bonds |
| SB 14 | * Education/Environmental Infrastructure Bond Act | Finance |
| SB 14 | * Education/Clean Water/Parks Bonds | Capital Expenditures |
| SB 20 | Electoral College Conformed | Constitution & Election Laws |
| SB 21 | * Constitutional Revision | State Personnel/Gov. |
| SB 26 | Capital Budget | Capital Expenditures |

**Summary of Bills/Resolutions Remaining in Senate**
**UNFAVORABLE REPORT FOR AMENDMENT AS COMMITTEE SUBSTITUTE** (Continued)

| Bill No. | Short Title | Identical Bill/Rewritten by Committee |
|---|---|---|
| SB 27 | * Current Operations Budget | Appropriations |
| SB 27 | * Current Operations Budget | Appropriations No. 2 |
| SB 28 | School Governance Changes | Education/Higher Ed. |
| SB 28 | School Governance Changes | Constitution & Election Laws |
| SB 30 | * Qualified Immunity/Sports Officials | Judiciary II |
| SB 37 | * Agric./Seafood Awareness Commission | H 35/ Agric/MarineRes/ Wildlife |
| SB 49 | * School Site–based Mgmt. Task Force | Education/Higher Ed. |
| SB 51 | Local Solid Waste Fees | Local Government |
| SB 53 | Recycling Local Ordinances | H 82/ Local Government |
| SB 54 | * Household Hazardous Disposal Tax | Local Government |
| SB 58 | * State Purchase Recycled Goods | H 85/ State Personnel/Gov. |
| SB 59 | Landfill/Incinerator Bans | H 68/ Local Government |
| SB 60 | * White Goods Disposal Tax | H 67/ Local Government |
| SB 60 | White Goods Disposal Tax | H 67/ Finance |
| SB 61 | * Zoning Denial/ABC Permit | Local Government |
| SB 70 | * Ostrich Meat Inspection | Finance |
| SB 71 | Fire Sprinkler Contractor Exemption | Manufacturing & Labor |
| SB 78 | * Primary Date Changed | Constitution & Election Laws |
| SB 90 | State Purchasing Waste Reduction | H 91/ State Personnel/Gov. |
| SB 94 | Local Energy Savings Contracts | H 100/ Local Government |
| SB 95 | * State Energy Conservation Program | H 103/ State Personnel/Gov. |
| SB 100 | Shellfish Lease Authority | H 125/ Agric/MarineRes/ Wildlife |
| SB 101 | * School Admission Requirements | Education/Higher Ed. |
| SB 108 | * Products Liability Repose | H 184/ Judiciary II |
| SB 109 | OSHA Rev. Bd. Decisions | H 187/ Judiciary II |
| SB 116 | Horse Racing in North Carolina | H 42/ Agric/MarineRes/ Wildlife |
| SB 121 | Salary Inequities | H 195/ State Personnel/Gov. |
| SB 122 | Optimist Club Registration Plates | Transportation |
| SB 123 | Charlotte Mecklenburg School Funding | Education/Higher Ed. |
| SB 125 | * Purchase Money Security Interest | Judiciary II |
| SB 128 | * Highway Use Tax Exemptions | Finance |
| SB 130 | Monroe ABC Distribution | H 137/ Local Government |
| SB 132 | * Minority Business Coordinator | Gov. Performance Audit |
| SB 135 | Correction Enterprises Policy | Gov. Performance Audit |
| SB 140 | Improve State Term Contracts | Gov. Performance Audit |
| SB 145 | * State Purchasing Manual Update | Gov. Performance Audit |
| SB 146 | Privatization of State Services | Gov. Performance Audit |
| SB 159 | Non–tax–paid Fuel Criminal Penalty | Judiciary I |
| SB 161 | * Special/Multiyear License Plate | Finance |
| SB 162 | * Dealer Plate/License | Transportation |
| SB 162 | * Dealer Plate/License | Finance |
| SB 164 | * Bldg. Code/Local Civil Penalties | H 190/ Judiciary II |

**Summary of Bills/Resolutions Remaining in Senate**
**UNFAVORABLE REPORT FOR AMENDMENT AS COMMITTEE SUBSTITUTE** (Continued)

| Bill No. | Short Title | Identical Bill/Rewritten by Committee |
|---|---|---|
| SB 165 | *GPAC/Transportation Financing Study | Gov. Performance Audit |
| SB 171 | GPAC/Highway Division Equipment Sections | Gov. Performance Audit |
| SB 181 | *Health Insurance — Direct Payment | Insurance |
| SB 184 | GPAC/Economic Development UNC/ Extension | Gov. Performance Audit |
| SB 188 | *GPAC/Biotechnology/Microelectronics | Gov. Performance Audit |
| SB 190 | *GPAC/Commerce Department Restructured | Gov. Performance Audit |
| SB 198 | GPAC./Mental Health Resident Placement | Gov. Performance Audit |
| SB 204 | *GPAC/Certificate of Need Application Fee | Finance |
| SB 220 | *Wrecker Service System | H 110/ Judiciary I |
| SB 222 | Macon Deer Hunting | Judiciary I |
| SB 242 | GPAC/Organization/Staff Analyses | H 309/ Gov. Performance Audit |
| SB 243 | *GPAC/Prison Consolidation | Gov. Performance Audit |
| SB 252 | *GPAC/State Agency Performance Measured | Gov. Performance Audit |
| SB 252 | *GPAC/State Agency Performance/Budget | Appropriations |
| SB 253 | *GPAC/Strategic Planning Process | Gov. Performance Audit |
| SB 255 | Licensure of Counselors | H 218/ Children & Human Res. |
| SB 255 | Licensure of Counselors | H 218/ Finance |
| SB 271 | *GPAC/Com. College Program Review | Gov. Performance Audit |
| SB 273 | *GPAC/Com. College Moratorium | Gov. Performance Audit |
| SB 288 | GPAC/Comprehensive Employee Training | Gov. Performance Audit |
| SB 289 | GPAC/State Equal Employment Opportunity Monitor | Gov. Performance Audit |
| SB 290 | *GPAC/State Human Resources Planning | Gov. Performance Audit |
| SB 298 | *GPAC/Public Health Program Commission | H 289/ Gov. Performance Audit |
| SB 302 | *GPAC/Administrative Hearings Fee Schedule | Gov. Performance Audit |
| SB 308 | *GPAC/General Assembly Employee Benefits | Gov. Performance Audit |
| SB 310 | *GPAC/State Employee Classification | Gov. Performance Audit |
| SB 311 | GPAC/Annual State Employee Opinion Survey | Gov. Performance Audit |
| SB 314 | *GPAC/Child Support Reform | H 272/ Children & Human Res. |
| SB 315 | *GPAC/Information Technology Briefing | Gov. Performance Audit |
| SB 318 | GPAC/State Information Rates | Gov. Performance Audit |
| SB 341 | *Complementary Medicine Regulation | H 347/ Judiciary I |
| SB 353 | *GPAC/Enabling | Gov. Performance Audit |
| SB 360 | GPAC/Human Resources Dept. Reorganization | Gov. Performance Audit |
| SB 361 | *GPAC/Statewide Managed Care Program | Gov. Performance Audit |
| SB 366 | *GPAC/State Workers' Compensation | H 316/ Gov. Performance Audit |
| SB 369 | *GPAC/Civilianization of Law Enforcement | Gov. Performance Audit |

**Summary of Bills/Resolutions Remaining in Senate**
**UNFAVORABLE REPORT FOR AMENDMENT AS COMMITTEE SUBSTITUTE** (Continued)

| Bill No. | Short Title | Identical Bill/Rewritten by Committee |
|---|---|---|
| SB 385 | *GPAC/School Administrator Lateral Entry | H 311/ Education/Higher Ed. |
| SB 386 | *GPAC/Administrator/Personnel Policy/Tenure | H 371/ Education/Higher Ed. |
| SB 391 | GPAC/Continuum of Education Program | Education/Higher Ed. |
| SB 393 | *GPAC/UNC Board of Governors Review | Gov. Performance Audit |
| SB 398 | Lobbyist Law | H 262/ Judiciary II |
| SB 412 | *Evaluation of GPAC Program Results | Gov. Performance Audit |
| SB 417 | *Open Meetings Law | Judiciary II |
| SB 422 | Acupuncture Licensure | H 261/ Judiciary I |
| SB 422 | *Acupuncture Licensure | H 261/ Finance |
| SB 446 | *DWI Level 0.08 | H 385/ Judiciary I |
| SB 462 | Principal Fellows Program | H 254/ Education/Higher Ed. |
| SB 466 | Burial Trust Funds | H 523/ Banks |
| SB 467 | Driver License Suspension | Judiciary I |
| SB 470 | Municipal Power Bidding Exemptions | Public Utilities |
| SJR 482 | *N.C. Nascar Capital of World | Rules/to Simple Resolution |
| SB 489 | Child Eval. Center Funds | H 351/ Children & Human Res. |
| SB 490 | *Com. Child Protection Teams | H 367/ Children & Human Res. |
| SB 496 | *Child Medical/Mental Health Evaluation | H 352/ Children & Human Res. |
| SB 500 | PSA Tests Insurance Coverage | Insurance |
| SB 504 | *Strategic Economic Dev. Plan | Economic Dev./Travel & Tourism |
| SB 505 | *Com. College Study Economic Dev. | Education/Higher Ed. |
| SB 505 | *Com. College System Study | Education/Higher Ed. No. 2 |
| SB 513 | Banking Omnibus Bill | Banks |
| SB 525 | Natural Death Act Revision | Judiciary II |
| SB 527 | *Retirement Benefits Increase | Pensions & Retirement |
| SB 533 | Occupational Health/Reporting System | Children & Human Res. |
| SB 543 | *Employee Assist. Program Certification | Rules |
| SB 543 | Employee Assist. Program Certification | Judiciary I |
| SB 549 | *Criminal Records Check of Personnel | Finance |
| SB 558 | President Pro Tem.'s Appointments | Rules |
| SB 560 | *Distinguished Service Cross License Plate | Finance |
| SB 566 | Inheritance/Gift Tax Conformed | Finance |
| SB 570 | Sedimentation Pollution Control Act | H 644/ Environ. & Natural Res. |
| SB 571 | Dam Safety Law Improvements | H 483/ Environ. & Natural Res. |
| SB 571 | Dam Safety Law Improvements | H 483/ Environ. & Natural Res. No. 2 |
| SB 574 | Insurance Premium Financing | Insurance |
| SB 579 | Workers Comp. Solvency | H 608/ Insurance |
| SB 586 | Insurance Omnibus Bill | H 607/ Insurance |

**Summary of Bills/Resolutions Remaining in Senate**
**UNFAVORABLE REPORT FOR AMENDMENT AS COMMITTEE SUBSTITUTE** (Continued)

| Bill No. | Short Title | Identical Bill/Rewritten by Committee |
|---|---|---|
| SB 587 | * Workers' Comp./Notice of Coverage | Manufacturing & Labor |
| SB 587 | Workers' Compensation Study Commission | Select Com. on S 906 |
| SB 591 | * Wildlife License Restructuring | Finance |
| SB 595 | * Sanitarian Registration Requirements | Environ. & Natural Res. |
| SB 597 | * Sanitation Law Inspections | H 570/ Environ. & Natural Res. |
| SB 598 | Patient Records/Accessibility | H 613/ Judiciary II |
| SB 601 | * Disability Income Plan | Pensions & Retirement |
| SB 602 | * Small Employer Health Insurance | H 610/ Insurance |
| SB 603 | Insurance Omnibus Bill | H 609/ Insurance |
| SB 604 | Administrative Hearings/Disabilities Act | Judiciary II |
| SB 605 | Art in State Buildings | H 641/ State Personnel/Gov. |
| SB 606 | Insurer Financial Solvency | H 622 / Insurance |
| SB 613 | * Charlotte–Mecklenburg Elections | Constitution & Election Laws |
| SB 617 | Home Inspections Licensure | Insurance |
| SB 619 | * Nash Economic Development | Economic Dev./Travel & Tourism |
| SB 621 | Controlled Substance Registrant Fee | Finance |
| SB 622 | Health Insurance Omnibus Bill | Insurance |
| SB 623 | * Health Maintenance Organization Omnibus | H 646/ Insurance |
| SB 625 | Intermodal Surface Transportation | Transportation |
| SB 635 | * Kinston Private Sale | H 692/ Education/Higher Ed. |
| SB 643 | Retaliatory Employment Discrimination | Judiciary II |
| SB 650 | Teacher Loan Payments | Education/Higher Ed. |
| SB 652 | * Claims Act/Civil Air Patrol | Judiciary I |
| SB 678 | Revenue Special Obligation Bond Payments | Finance |
| SB 679 | * Solicitations Actions/Jurisdiction | H 832/ Judiciary I |
| SB 682 | C&NW Railroad Authority | H 695/Public Utilities |
| SB 683 | * Citizens Review Officer Conduct | Judiciary II |
| SB 685 | * Annexation of Streets | Local Government |
| SB 708 | * Harnett Local Economic Development | H 708/ Economic Dev./ Travel & Tourism |
| SB 709 | * Escheats/Abandoned Property | Judiciary II |
| SB 716 | * Cogenerating Power Tax Credit | Finance |
| SB 719 | * Medical Examiners Board Omnibus | H 721/ Judiciary I |
| SB 719 | Medical Examiners Board Fees | H 721/ Finance |
| SB 724 | High Rock Lake Marine Com. | Finance |
| SB 729 | Franklin/Franklinton School Merger | Education/Higher Ed. |
| SB 733 | * Park Authority/Park Fund | Finance |
| SB 740 | Personal Computer Accountability | H 171/State Personnel/Gov. |
| SB 744 | Auditor Omnibus/Confederate Home Repeal | State Personnel/Gov. |
| SB 754 | State Real Property Management | H 96/State Personnel/Gov. |
| SB 758 | * Railroad Easement Preservation | Transportation |
| SB 759 | State Contract Personal Liability | H 20/ Judiciary II |
| SB 760 | * Purchasing Agent Gratuities | H 21/ Judiciary I |

**Summary of Bills/Resolutions Remaining in Senate**
**UNFAVORABLE REPORT FOR AMENDMENT AS COMMITTEE SUBSTITUTE** (Continued)

| Bill No. | Short Title | Identical Bill/Rewritten by Committee |
|---|---|---|
| SB 768 | Charlotte Joint Development | Local Government |
| SB 772 | * Durham City Street Closings | Local Government |
| SB 778 | Spouses Terminate Equity Line | Judiciary I |
| SB 780 | * Limited Liability Co. Act | Judiciary II |
| SB 783 | * Educational Technology Funds | Bonds |
| SB 785 | Sheriffs' Commission Districts/Members | Appropriations |
| SB 787 | * Employment Security Tax Reporting | Manufacturing & Labor |
| SB 790 | ABC Purchase/Possession | Economic Dev./Travel & Tourism |
| SB 792 | * Eden Annexation | Local Government |
| SB 796 | Bid Rigging Statute of Limitation | Judiciary II |
| SB 799 | * AIDS Test/Sexual Offense | Judiciary I |
| SB 802 | Employment Security Omnibus | Manufacturing & Labor |
| SB 804 | Troy Zoning Notice | Local Government |
| SB 808 | * Orange/Chatham Revenue Options | Local Government |
| SB 809 | Orange/Chatham Omnibus | Local Government |
| SB 821 | Water Withdrawal Registration/Fee | Environ. & Natural Res. |
| SR 823 | Adopt Permanent Rules | Rules |
| SB 825 | * Craven Road Hunting | Local Government |
| SB 829 | * Museum of Natural Sciences Transfer | H 638/ Agric/MarineRes/ Wildlife |
| SB 836 | * Indigent Identification Card Fee | Finance |
| SB 839 | Motor Vehicle Purchase Cancellation | Judiciary II |
| SB 840 | * Motor Vehicle Dealer Licensing | Judiciary II |
| SB 841 | Motor Vehicle Warranty Reimbursement | Judiciary II |
| SB 846 | Small Claims Court Jurisdiction | Judiciary II |
| SB 848 | Pharmacy Regulate Medical Equipment | Children & Human Res. |
| SB 852 | * Unemp. Insurance Tax Reduction | Finance |
| SB 863 | * Special Needs Student Graduation Standard | H 904/ Education/Higher Ed. |
| SB 865 | * Rabies Vaccination/Public Record | Judiciary II |
| SB 871 | * Building Contractor License Fee | Finance |
| SB 873 | Health Care Facility Access | H 985/ Judiciary I |
| SB 875 | Interbasin Transfer Regulation | H 990/ Environ. & Natural Res. |
| SB 880 | School Expulsion/Local Board | H 1010/ Education/Higher Ed. |
| SB 882 | Local Board Expenditure Flexibility | H 994/ Education/Higher Ed. |
| SB 883 | * Teaching Standards' Program Report | H 938/ Education/Higher Ed. |
| SB 883 | Teaching Standards Board Created | H 938/ Appropriations |
| SB 885 | Health Insurance/Pharmacy Choice | H 905/ Judiciary II |
| SB 887 | * Santeetlah Water Supply | Local Government |
| SB 889 | Dentists/Hygienists Continuing Education | Judiciary II |
| SB 892 | * Juvenile Prob./School Attendance | Education/Higher Ed. |
| SB 897 | Mecklenburg Code Exemption | Local Government |
| SB 899 | Uniform Commercial Code Rewrite | Judiciary II |
| SB 900 | Interior Designers Certification | Judiciary II |

**Summary of Bills/Resolutions Remaining in Senate**
**UNFAVORABLE REPORT FOR AMENDMENT AS COMMITTEE SUBSTITUTE** (Continued)

| Bill No. | Short Title | Identical Bill/Rewritten by Committee |
|---|---|---|
| SB 902 | Bicycle Hand Signals | Transportation |
| SB 905 | * Childhood Sexual Abuse Statute of Limitation | H 1108/ Judiciary II |
| SB 906 | * Workers' Comp. Reform | Manufacturing & Labor |
| SB 906 | * Workers' Comp. Reform | Select Com. on S 906 |
| SB 907 | * Community Water Fee Repeal | H 827/ Environ. & Natural Res. |
| SB 911 | Uniform Roadside Hunting Regulation | H 827/ Agric/MarineRes/ Wildlife |
| SB 912 | Workers' Comp/Realtors | Manufacturing & Labor |
| SB 913 | * Realtor Continuing Education | Judiciary II |
| SB 913 | Realtor Continuing Education | Finance |
| SB 917 | * Toll Roads | Finance |
| SB 918 | Trails System Act | Environ. & Natural Res. |
| SB 921 | Absentee Ballots/Military | Constitution & Election Laws |
| SB 924 | Register of Deeds Fees | Finance |
| SB 925 | * Speeding to Elude/Evidence | Judiciary I |
| SB 926 | * Hog Operations Regulation | H 1159/ Agric/MarineRes/ Wildlife |
| SB 929 | Highway Contracts to Minorities | Capital Expenditures |
| SB 930 | Patient Medication Counseling | Judiciary II |
| SB 932 | Demolition Asphalt Sunset Repeal | H 969/ Transportation |
| SB 936 | * Interstate Branch Banking Authorized | H 463/ Banks |
| SB 937 | * Civil Liability for Crimes | Judiciary II |
| SB 939 | Motor Vehicle Dealer Franchise | Transportation |
| SB 940 | Charitable Solicitations Act Rewrite | Judiciary I |
| SB 940 | Charitable Solicitations Act Rewrite | Finance |
| SB 945 | Deadly Force Against Intruder | Judiciary I |
| SB 950 | Certificate of Need/Hospice | Capital Expenditures |
| SB 952 | Hospital Authority Jurisdiction | Children & Human Res. |
| SB 960 | Interloc Program | Education/Higher Ed. |
| SB 961 | * Pamlico Junkyards | Transportation |
| SB 968 | Teacher Academy Plan | Education/Higher Ed. |
| SB 974 | * Cosmetology Manicurist Continuing Education | H 1155/ Children & Human Res. |
| SB 974 | * Cosmetology Instructor Continuing Education | H 1155/ Finance |
| SB 978 | * Wastewater System Contractor Licensure | H 953/ Environ. & Natural Res. |
| SB 980 | * Septage Defined | H 1077/ Environ. & Natural Res. |
| SB 986 | Administrative Hearings Mediation Program | H 657/ Judiciary II |
| SB 987 | High–Voltage Line Safety Act | Judiciary II |
| SB 989 | * Safe Schools Partnership Act | Education/Higher Ed. |
| SB 994 | Tryon Palace Commission | State Personnel/Gov. |
| SB 1003 | * Landfill Permit Procedures | Environ. & Natural Res. |

**Summary of Bills/Resolutions Remaining in Senate**
**UNFAVORABLE REPORT FOR AMENDMENT AS COMMITTEE SUBSTITUTE** (Continued)

| Bill No. | Short Title | Identical Bill/Rewritten by Committee |
|---|---|---|
| SB 1006 | Recycled Metals Purchase Regulation | Judiciary I |
| SR 1010 | * Permanent Rule 67 | Rules |
| SB 1013 | Workforce Preparedness Act | Manufacturing & Labor |
| SB 1024 | * Braille Literacy | H 1316/ Children & Human Res. |
| SB 1025 | Cigarette Tax By Reporting | Finance |
| SB 1043 | * Medical Care Savings Plan | Insurance |
| SB 1044 | Rental Car Surtax Reimbursement | Finance |
| SB 1045 | * Photovoltaic Equipment Tax Credit | Finance |
| SB 1051 | * Minimum Wage Exemptions | Manufacturing & Labor |
| SB 1053 | University/Loc. Gov. Regional Facilities Authority | Capital Expenditures |
| SB 1053 | * University/Loc. Gov. Regional Facilities Authority | Finance |
| SB 1067 | Teacher Assistant Funding | Education/Higher Ed. |
| SB 1070 | New Hanover/Human Relations Commission | Local Government |
| SB 1077 | * Prison Bonds Funds | Appropriations |
| SB 1084 | Service Agreement Omnibus Bill | Insurance |
| SB 1084 | * Service Agreement Omnibus Bill | Finance |
| SB 1088 | * Diesel Fuel Tax Payment | Finance |
| SB 1089 | * Homeless Shelters Regulation | Environ. & Natural Res. |
| SB 1139 | * Court Fees Increased | H 1355/ Finance |
| SB 1141 | * Business Tax Credit Expanded | H 1362/ Finance |
| SB 1144 | Bridge Formula Exemption | Transportation |
| SB 1146 | * Flea Market Taxation/Drug Sales | Finance |
| SB 1154 | Norplant/AFDC Availability/Funds | Children & Human Res. |
| SB 1157 | * Economic Dev. Financing Bonds | H 1372/ Finance |
| SB 1165 | * Resident Inspector Program/Fees | Environ. & Natural Res. |
| SB 1180 | Teaching Fellows Supplemental Package | Education/Higher Ed. |
| SB 1185 | * Uninsured Employees Injury Fund | Insurance |
| SB 1185 | Uninsured Employers Fund | Finance |
| SB 1190 | State Telephone Menu Reduction | State Personnel/Gov. |
| SB 1195 | * Donated Land Deferred Tax | Finance |
| SR 1243 | Amend Rules 40.1 and 67A | Rules |
| SB 1245 | * Intangibles Tax Exemption | Finance |
| SB 1249 | * Boards and Commissions/Enabling | Rules |
| SB 1249 | * Electrolysis Examiners Board | Children & Human Res. |
| SB 1278 | * Correction Enterprise Capital Improvements | Appropriations |
| SB 1336 | Service of Process Privatization | H 1600/ Judiciary I |
| SB 1336 | * Service of Process Privatization | H 1600/ Judiciary I No. 2 |
| SB 1398 | Sex Offender Registration Program | H 1746/ Judiciary I |
| SB 1403 | Oyster Advisory Council Study | H 1548/ Agric/MarineRes/ Wildlife |
| SB 1418 | * Report Reorganization/Omnibus | H 1589/ Education/Higher Ed. |
| SB 1436 | Crab License/Fisheries Moratorium | H 1540/ Agric/MarineRes/ Wildlife |

**Summary of Bills/Resolutions Remaining in Senate**
**UNFAVORABLE REPORT FOR AMENDMENT AS COMMITTEE SUBSTITUTE** (Continued)

| Bill No. | Short Title | Identical Bill/Rewritten by Committee |
|---|---|---|
| SB 1467 | Child Restraint Requirements | H 1863/ Judiciary II |
| SB 1467 | Child Restraint Requirements | H 1863/ Judiciary II No. 2 |
| SB 1473 * | Motor Fuel Shipments/Tax Evasion | Finance |
| SB 1504 * | Budget Modification/Enabling | Appropriations |
| SB 1505 * | Budget Modification/Enabling | Appropriations |
| SB 1511 | Sports Teams License Tag | H 1662/ Finance |
| SB 1517 | Pool Safety | H 1890/ Judiciary I |
| SB 1563 * | Campaign Finance Report | H 1778/ Constitution & Election Laws |
| SB 1566 | Uniform License/Registration Information | Transportation |
| SB 1630 | Criminal Statutes Omnibus Bill | H 1936/ Judiciary I |
| SB 1631 | Local Government Landfill Permit Review | H 1973/ Environ. & Natural Res. |
| SB 1638 * | Contaminated Site Clean–up Privatized | H 1961/ Environ. & Natural Res. |
| SB 1642 | Durham Fee Collection | H 2004/ Local Government |
| SB 1663 * | State Parks Bond Allocation | Capital Expenditures |
| SB 1667 * | Union Travel and Tourism Board | Local Government |
| SB 1675 | Norwood ABC Profit Distribution | Local Government |
| SB 1679 * | Orange/Chatham Finance Omnibus | Finance |
| SJR 1711 * | Global TransPark Development Zone/ Enabling | Economic Dev./Travel & Tourism |
| SB 1716 * | Ports Authority Transfer | State Personnel/Gov. |
| HB 26 | Campgrounds/Marinas Public Utility Exemption | Public Utilities |
| HB 80 | Assessment of Taxes | Finance |
| HB 83 * | Scrap Tire Disposal Tax Increase | S 57/ Environ. & Natural Res. |
| HB 83 | Scrap Tire Disposal Tax Increase | S 57/ Finance |
| HB 97 | Raffle Cash Prize Limit | Judiciary I |
| HB 101 * | State Government Energy Policy | S 92/ State Personnel/Gov. |
| HB 114 * | Lincoln Occupancy Tax | Finance |
| HB 120 * | Open Meetings/Records Law | Judiciary II |
| HB 136 * | Local Sales Tax for Schools | Finance |
| HB 160 * | Macon Road Renaming | S 83/ Local Government |
| HB 179 * | Environmental Reports Required | Environ. & Natural Res. |
| HB 203 | Tattooing Regulation | Finance |
| HB 209 * | Abandoned Cemetery Defined | Judiciary II |
| HB 222 * | Physical Education Class Size | S 445/ Education/Higher Ed. |
| HB 230 * | Guardian ad litem/Juvenile Representation | S 434/ Judiciary I |
| HB 233 | Marriage and Family Therapists Licensure | S 478/ Finance |
| HB 277 | Structured Sentencing—2 | S 402/ Judiciary I |
| HB 358 * | Prosecutorial Child Protection Initiatives | S 492/ Judiciary II |
| HB 364 | Child Protection/Juvenile Law | S 487/ Judiciary I |
| HB 365 | School Health Screening | S 488/ Education/Higher Ed. |

**Summary of Bills/Resolutions Remaining in Senate**
**UNFAVORABLE REPORT FOR AMENDMENT AS COMMITTEE SUBSTITUTE** (Continued)

| Bill No. | Short Title | Identical Bill/Rewritten by Committee |
|---|---|---|
| HB 379 | * Halifax Fire District Fees | Local Government |
| HB 380 | * New Bern Adjustment Board Vote | Local Government |
| HB 382 | Engineers/Surveyors Omnibus | Judiciary II |
| HB 385 | * DWI Level 0.08 | S 446/ Judiciary I |
| HB 395 | * Certified Copy Recording | Judiciary II |
| HB 439 | Speaker's Appointments | Rules |
| HJR 440 | Inviting Chief Justice Exum | Rules |
| HB 449 | Interest Refund on Loan | Judiciary II |
| HB 456 | * New Bern Property Conveyance | Local Government |
| HB 457 | Insurance Payment to Registered Nurse | S 771/ Insurance |
| HB 466 | * Wayne/Sampson Local Development | Local Government |
| HB 467 | * Deputy Register of Deeds | Judiciary II |
| HB 473 | Real Estate Appraisal Board Independent | Finance |
| HB 483 | Dam Safety Law Improvements | S 571/ Environ. & Natural Res. |
| HB 496 | Trust Assets Investments | Judiciary II |
| HB 502 | ABC Law Omnibus | Judiciary I |
| HB 502 | ABC Law Omnibus | Finance |
| HB 536 | Area Mental Health Authority Purchases | Finance |
| HB 538 | * Child Support Income Withholding | Judiciary I |
| HB 539 | * Business Corp. Act Omnibus | S 582/ Judiciary II |
| HB 541 | Certified Public Accountant Qualifications | Judiciary II |
| HB 544 | * Technical Amendments Omnibus | Judiciary II |
| HB 550 | * Mining Act Omnibus | S 624/ Environ. & Natural Res. |
| HB 556 | Boiler/Pressure Vessel Act Omnibus | Manufacturing & Labor |
| HB 563 | * Precinct Boundary Changes | Constitution & Election Laws |
| HB 567 | * LP–Gas Fee/Civil Penalty | Judiciary II |
| HB 570 | Food and Lodging Sanitation Laws | S 597/ Environ. & Natural Res. |
| HB 575 | * Gastonia Zoning Map | Local Government |
| HB 589 | * Pasquotank Hunting/Dare Fishing | Agric/MarineRes/Wildlife |
| HB 604 | Mountain County Service Districts | Finance |
| HB 606 | * Reinsurance Company Fees | Finance |
| HB 613 | * Patient Records Access | Judiciary II |
| HB 619 | * Notice of Settlement Act Sunset | S 691/ Judiciary II |
| HB 625 | Neglected Juvenile Definition | Judiciary I |
| HB 634 | Alcohol in Cooking Extract | Judiciary I |
| HB 644 | Sedimentation Control Act Omnibus | Environ. & Natural Res. |
| HB 650 | * Asbestos Rules Authority Transfer/Penalties | Judiciary II |
| HB 658 | * Industrial Commission Mediation Program | S 984/ Judiciary II |
| HB 665 | Credit Insurance Regulation/Rates | S 672/ Insurance |
| HB 681 | Clean Air/Underground Storage/Fuel Tax | S 632/ Environ. & Natural Res. |
| HB 689 | * Third Degree Trespass Wilkes/Yadkin | Judiciary I |

**Summary of Bills/Resolutions Remaining in Senate**
**UNFAVORABLE REPORT FOR AMENDMENT AS COMMITTEE SUBSTITUTE** (Continued)

| Bill No. | Short Title | Identical Bill/Rewritten by Committee |
|---|---|---|
| HB 698 | * Felony Larceny Threshold | Judiciary I |
| HB 729 | * Health Care Purchasing Alliance Act | S 696/ Appropriations |
| HB 736 | * Tarboro/Edgecombe School Merger | Education/Higher Ed. |
| HB 737 | * Black Creek Personnel Matters | Constitution & Election Laws |
| HB 740 | * Nursing Home Penalty Review Committee | Children & Human Res. |
| HB 747 | Veterinary Practice Act Omnibus | Finance |
| HB 765 | * Escheat/Unclaimed Property | Judiciary I |
| HB 781 | Durham Condemnations | Local Government |
| HB 795 | * Health Care Provider Solicitation | Judiciary II |
| HB 799 | * Burke/Zoning Notice | Local Government |
| HB 813 | * New Hanover Airport Authority | Capital Expenditures |
| HB 814 | Mecklenburg Park Ranger Powers | Judiciary I |
| HB 822 | Computer Crime Act Rewrite | Judiciary I |
| HB 827 | * Uniform Roadside Hunting Regulations | S 911/ Judiciary I |
| HB 865 | * Guilford Commissioners Election | S 909/ Local Government |
| HB 876 | * Waccamaw River No–Wake Zone | Agric/MarineRes/Wildlife |
| HB 877 | Video Device Defined | Judiciary II |
| HB 882 | * Charlotte Bid Requirement Exemptions | Local Government |
| HB 908 | Indigents Suits/Appeals | Judiciary II |
| HB 908 | Indigents Suits/Appeals | Finance |
| HB 910 | Massage Therapy Practice Act | Judiciary I |
| HB 922 | * Waterslide/Pool Regulation | Judiciary I |
| HB 937 | Equitable Distribution Inventory | Judiciary I |
| HB 957 | Local Government/Smoking Regulations | Judiciary I |
| HB 969 | Demolition Asphalt Sunset Repeal | S 932/ Transportation |
| HB 977 | Entry of Judgment Rule | Judiciary II |
| HB 982 | * Agricultural Commodities Transportation | Transportation |
| HB 982 | * Agricultural Commodities Transportation | Transportation No. 2 |
| HB 988 | Assistant Speech Pathologist Licensure | Judiciary II |
| HB 988 | Assistant Speech Pathologist Licensure | Finance |
| HB 1008 | * Weapons in School/Felony | S 891/ Education/Higher Ed. |
| HB 1008 | * Weapons in School/Felony | S 891/ Judiciary II |
| HB 1009 | School Crime Report Required | S 879/ Judiciary II |
| HB 1015 | * Infraction/Prayer for Judgment | Judiciary I |
| HB 1015 | * Infraction/Prayer for Judgment | Judiciary II |
| HB 1016 | Driver License Renewal/Five Years | Transportation |
| HB 1034 | * Non–licensed Contractor Award | Judiciary II |
| HB 1043 | * Health Care Power of Attorney | Children & Human Res. |
| HB 1045 | Building Inspector/Non–employee | Local Government |
| HB 1047 | OSHA Appeal Procedure Revision | Manufacturing & Labor |
| HB 1049 | Assault/Law Officer | Judiciary I |
| HB 1050 | DNA Database and Databank Act | Judiciary I |
| HB 1053 | * Outdoor Advertising Construction Limit | Economic Dev./Travel & Tourism |

**Summary of Bills/Resolutions Remaining in Senate**
**UNFAVORABLE REPORT FOR AMENDMENT AS COMMITTEE SUBSTITUTE** (Continued)

| Bill No. | Short Title | Identical Bill/Rewritten by Committee |
|---|---|---|
| HB 1061 | Underground Storage Tanks Omnibus | S 928/ Environ. & Natural Res. |
| HB 1062 | Death Penalty/Mentally Retarded | Judiciary I |
| HB 1077 | Septage Defined | S 980/ Environ. & Natural Res. |
| HB 1089 | Pyrotechnics Legalized | Judiciary I |
| HB 1092 | School Attendance for Probation Notification | S 893/ Judiciary I |
| HB 1109 | Local Development Authorization | Finance |
| HB 1119 | Paternity Establishment | Judiciary II |
| HB 1142 | Substance Abuse Certification Act | S 890/ Judiciary II |
| HB 1149 | Medical Practice Act/Oral Surgery | Children & Human Res. |
| HB 1172 | * Health Care Tort Liability | Judiciary II |
| HB 1319 | * LRC Studies Omnibus | Rules |
| HB 1467 | * Property Tax Omnibus | Finance |
| HB 1565 | * Bladen Property Sale/Lease | Local Government |
| HB 1725 | * Revenue Laws Omnibus | Finance |
| HB 1755 | * Fortune Telling/Wayne Co. Criminal Offense | Judiciary I |
| HB 1776 | * Voter Registration Rewrite | S 1400/ Constitution & Election Laws |
| HB 1827 | * Beaufort Housing Commissioners | Local Government |
| HB 1936 | Criminal Technical Corrections Omnibus | S 1630/ Judiciary I |
| HB 1961 | * Contaminated Site Clean–up Privatized | S 1638/ Environ. & Natural Res. |
| HB 1972 | Protect Trade Secret Environmental Data | S 1641/ Judiciary II |
| HB 1973 | Local Government Review Landfill Permit | S 1631/ Local Government |
| HB 1981 | * Oriental Occupancy Tax | Finance |
| HB 1988 | Neuse Forest Incorporated | Finance |
| HB 1998 | Durham County Investments | Local Government |
| HB 2015 | * Stanly Bldg. Code Exemptions | Local Government |
| HB 2055 | Raleigh City Council Special Election | Constitution & Election Laws |
| HB 2057 | Small Business Surety Bonds | Insurance |
| HB 2057 | Small Business Surety Bonds | Finance |

# SUMMARY OF BILLS/RESOLUTIONS ORDERED SENT TO THE HOUSE OF REPRESENTATIVES

| Bill No. | | Short Title | Final Action (Identical Bill/Last Action) | |
|---|---|---|---|---|
| SB | 7 | Uniform Ins. Claim Form | H ppi | |
| SB | 9 | Hospital Cooperation Act | H Rules | |
| SB | 11 | 1993 Lottery–With Referendum | H Const | |
| SB | 25 | Gubernatorial Veto Referendum | H ppi | |
| SB | 45 | Emergency Use of Prison Laundries | H Bus&Labor | (H 71/ S Jud 1) |
| SB | 62 | Transfer Rail Safety | H PubUtil | (H 155/ H PubUtil) |
| SB | 78 | Primary Date Changed | H Jud I | |
| SB | 83 | Macon Road Renaming | H ppi | (H 160/ Ch. 62) |
| SB | 95 | State Energy Conservation Program | H Appr | (H 103/ H ppi) |
| SB | 101 | UNC Bd. of Governors/Spousal Employment | H Rules | |
| SB | 108 | Product Liability and Surveyor Repose | H Jud 1 | (H 184/ H Jud 3) |
| SB | 109 | OSHA Review Board Decisions | H Bus&Labor | (H 187/ Ch. 474) |
| SB | 132 | GPAC/Minority Business Coordinator | H Appr | |
| SB | 135 | GPAC/Clarify Correction Enterprises | H Appr | (Inc. S 26/ Ch. 561) |
| SB | 184 | GPAC/UNC Study Economic Dev. Board | H Bus&Labor | |
| SB | 188 | GPAC/Biotech/Microelectronics Rec. | H Appr | |
| SB | 192 | GPAC/Nonprofits Performance Contracts | H Bus&Labor | |
| SB | 220 | Wrecker Service System | H Jud 3 | (H 110/ H Transp) |
| SB | 235 | Redefine School Fund Availability | H Fin | (H 400/ Ch. 179) |
| SB | 242 | GPAC/Governor Analyze Agencies | H StateGov | (H 309/ S GovPerform) |
| SB | 243 | GPAC/Prison Consolidation | H Appr | (Inc. S 27/ Ch. 321) |
| SB | 245 | GPAC/DOC Claims Processing | H Appr | |
| SB | 248 | UNC Board of Governors Eligibility | H Failed 2nd Reading | |
| SB | 252 | GPAC/Develop Outcome Measures | H Appr | |
| SB | 273 | GPAC/Comm. College Moratorium | H Ed | |
| SB | 277 | GPAC/Comm. College Funding Formula | H Appr | |
| SB | 289 | GPAC/State Equal Employment | H Appr | |
| SB | 311 | GPAC/Annual State Employee Survey | H Appr | (Inc. S 27/ Ch. 321) |
| SB | 315 | GPAC/Information Technology Briefings | H Appr | |
| SJR | 334 | Youth Substance Abuse Plan | H Rules | (H 249/ Res. 27) |
| SB | 342 | Require Alternative Punishments | H Const | |
| SB | 344 | Removal of War Exclusion | H Pens&Ret | |
| SB | 366 | GPAC/State Workers' Comp. | H Jud 1 | (H 316/ H Jud 1) |
| SB | 369 | GPAC/Civilianization Law Enforcement | H PubEmp | (Inc. S 27/ Ch. 321) |
| SB | 391 | GPAC/Continuum of Education Program | H Ed | |
| SB | 407 | Mortuary Affairs Searches | H Jud 2 | |
| SB | 417 | Open Meetings/Records Law Change–2 | H Jud I | |
| SJR | 441 | Honoring Women's Soccer/UNC–CH | H Rules | |
| SB | 446 | DWI Amendments | H Jud 1 | (H 385/ Ch. 285) |
| SB | 467 | NCDL Suspension for Speed | H Jud 1 | |
| SB | 499 | Farm Production Inspection and Grading | H Agric | (H 446/ Ch. 223) |

**Summary of Bills/Resolutions Sent to the House of Representatives**

| Bill No. | | Short Title | Final Action | (Identical Bill/Last Action) |
|---|---|---|---|---|
| SB | 504 | Strategic Economic Development Plan | H Bus&Labor | (H 724/ H Bus&Lab) (Inc. S 27/ Ch. 321) |
| SB | 505 | Comm. College Economic Development Study | H Ed | |
| SB | 509 | Secretary of State/Economic Development Bd. | H Bus&Labor | |
| SB | 525 | Revise Natural Death Act | H Jud 1 | |
| SB | 526 | EMS Certification Period Four Years | H ppi | |
| SB | 532 | Inheritance Tax Interest Deduction | H Fin | |
| SB | 538 | Area Authority Plans | H ppi | |
| SB | 543 | Employee Assist. Program Cert. | H StateGov | |
| SB | 560 | Distinguished Service Cross Plates | H Fin | |
| SB | 566 | Inheritance Tax Provisions Conformed | H Fin | |
| SB | 571 | Dam Safety Law Improvements | H Rules | (H 483/ Ch. 394) |
| SB | 574 | Insurance Premium Financing | H ppi | |
| SB | 589 | Mandatory Hunter Safety Changes | H Jud 1 | |
| SB | 597 | Clarify Sanitation Laws | H ppi | (H 570/ Ch. 262) |
| SB | 623 | HMO Improvements | H ppi | (H 646/ H Ins) |
| SB | 635 | New Hanover & Pamlico in Global TransPark Zone | H Fin | (H 692/ Ch. 265) |
| SB | 648 | Barber Amendments | H StateGov | |
| SB | 667 | Carolina Shores/Calabash Division Referendum | H LocGov 1 | |
| SB | 685 | Annexation of Streets | H Fin | |
| SB | 706 | Wrightsville Water/Sewer/Waste Fees | H Fin | (H 775/ H ppi) |
| SB | 732 | Conform Pipeline Standards | H PubUtil | |
| SB | 734 | Pilot Park Entrance Fees | H Appr | |
| SB | 735 | Protect Natural/Scenic Rivers | H Environ | |
| SB | 738 | Real Estate Act Amendments | H Fin | |
| SB | 746 | Bid Rejection Standard Clarified | H StateGov | (H 19/ S StPers) |
| SB | 750 | Hospital Surplus to Charities | H ppi | |
| SB | 754 | Amend State Real Property Management | H StateGov | (H 96/ H StateGov) |
| SB | 758 | Preserve Railroad Easements | H Transp | |
| SB | 760 | No Gifts for Purchasing Agents | H Fin | (H 21/ H Ethics) |
| SB | 761 | Disabilities Act Quarterly Reports | H Rules | |
| SB | 778 | Spousal Terminate Equity Line | H Jud 2 | |
| SB | 792 | Eden Annexation | H Fin | |
| SB | 794 | Wrightsville Beach Eminent Domain | H Jud 2 | (H 837 /Ch. 187) |
| SB | 831 | The North Carolina Truth in Sentencing Act | H Jud 3 | |
| SB | 837 | Durham County DBE | H LocGov 1 | |
| SB | 838 | Durham City DBE | H LocGov 1 | |
| SB | 849 | Organic Products Certification | H Agric | (H 981/ Ch. 147) |
| SB | 862 | Pitt Road Naming | H ppi | |
| SB | 880 | School Expulsion Modified | H Ed | (H 1010/ H Ed) |
| SB | 894 | Water/Sewer Authority Penalties | H Jud 1 | |
| SB | 896 | Indigents' Attorney Fund | H Appr | (H 931/ H ppi) (Inc. S 27/ Ch. 321) |
| SB | 902 | Bicycle Signals | H Tabled | |
| SB | 903 | Pittsboro Peddler Tax | H Fin | |
| SB | 910 | Prescription Drug Label | H ppi | |

**Summary of Bills/Resolutions Sent to the House of Representatives**

| Bill No. | Short Title | Final Action (Identical Bill/Last Action) | |
|---|---|---|---|
| SB 912 | Workers' Compensation/Realtors | H Jud 1 | |
| SB 921 | Faxing Military/Overseas Ballots | H Jud 1 | |
| SB 922 | Surety Bondsman Exam/Fee | H Fin | |
| SB 925 | Attempting to Elude | H Jud 1 | |
| SB 930 | Patient Counseling About Medication | H ppi | |
| SB 932 | Demolition Asphalt Sunset Off | H Environ | (H 969/ Ch. 86) |
| SB 937 | Civil Damages for Certain Crimes | H Jud I | |
| SB 957 | Surry Beer/Wine Tax | H Fin | |
| SB 974 | Cosmetology Continuing Education | H StateGov | (H 1155/ H ppi) |
| SB 986 | Administrative Hearings Mediation | H Jud 3 | (H 657/ Ch. 363) |
| SB 987 | High–Voltage Line Safety Act | H ppi | |
| SB 991 | Restrict Certain Menhaden Fishing | H Agric | |
| SB 995 | Stock Ownership/State Majority | H Jud 1 | |
| SB 1009 | Directors Terms/State Corporations | H Jud 1 | |
| SB 1013 | Workforce Preparedness Act | H Appr | |
| SB 1020 | North Carolina Arboretum Changes | H Rules | |
| SB 1032 | Workers' Comp/Med. Cost Controls | H Jud 2 | |
| SB 1033 | Probation Violation is Contempt | H Jud 3 | |
| SB 1044 | Rental Car Surtax/Reimbursement | H Fin | |
| SB 1053 | NCSU Centennial Authority | H Appr | (H 1003/ H ppi) |
| SB 1054 | Physician Practice Parameters | H StateGov | |
| SB 1075 | Beach Access Program Clarification | H Rules | |
| SB 1077 | Prison Bond Funds | H Appr | |
| SB 1089 | Regulate Homeless Shelters | H Failed 2nd Rdg | |
| SB 1115 | Title Insurance Regulated | H Ins | |
| SB 1144 | Bridge Formula Exceptions | H Transp | |
| SB 1151 | County Commissioners License Plates | H Fin | |
| SB 1185 | Workers' Compensation/Uninsured Employers | H Reptd Fav/Fin Com Sub | |
| SB 1195 | Use Value/Donated Land | H Fin | |
| SB 1245 | Intangibles Tax Exemption | H Fin | |
| SB 1278 | Correction Enterprises Funds | H Fin | |
| SB 1321 | Sandyfield Incorporated | H Fin | (H 1794/ Ch. 729) |
| SB 1398 | Sex Offender Registration Funds | H Appr | (H 1746/ H Jud 2) (Inc. S 1505/ Ch.765 |
| SB 1511 | Sports Teams Registration Plates | H Fin | (H 1662/ H ppi) |
| SB 1562 | Hendersonville ABC Profit Distribution | H LocGov 1 | |
| SB 1563 | Campaign Donor's Occupations | H Jud 1 | (H 1778/ H Jud 1) |
| SB 1564 | Postprimary Report | H Fails/2nd Rdg | (H 1779/ H Fails/Concur) |
| SB 1620 | Repeal Intangibles Tax | H Fin | |
| SB 1638 | Encourage Voluntary Remediation | H Environ | (H 1961/ Ch. 598) |
| SB 1643 | Sampson Community College Acquisition | H Fin | (H 1927/ Ch. 613) |
| SB 1646 | Richmond/Sampson School Acquisition | H Fin | (H 1928/ Ch. 614) |
| SB 1648 | Fayetteville Fair Housing Amendments | H LocGov 1 | |
| SB 1652 | Durham Facility Fee Payment | H LocGov 1 | |
| SB 1693 | Green Level Property | H Fin | (H 2037/ Ch. 742) |

**Summary of Bills/Resolutions Sent to the House of Representatives**

| Bill No. | Short Title | Final Action (Identical Bill/Last Action) | |
|---|---|---|---|
| SB 1713 | Restore Juice Tax Exemption | H Fin | |
| SJR 1718 | Honoring Joe Max Thomas | H Rules | (H 2130/ S Rules) |
| SB 1723 | Durham Bulls Parking | H LocGov 1 | (H 2132/ Ch. 758) |
| SB 1726 | Adjournment Sine Die | H Recalled from Enrolling | |
| HB 606 | Settlement Award/Premium Tax | H ppi | |
| HB 698 | Felony Larceny Amount/ Flea Market Merchandise | H Rules | |
| HB 1003 | NCSU Centennial Authority | H ppi | (S 1053/ H Appr) |
| HB 1408 | Teach American Ethics | H Received | (S 1169/ S Appr) |
| HB 1467 | Tax Law Changes | H ppi | |
| HB 1779 | Postprimary Report | H Fails/Concur | (S 1564/ H Fails/2nd Rdg) |
| HB 1938 | Hamlet ABC Audit | H LocGov 1 | (S 1623/ Ch. 702) |

## RESOLUTIONS FROM OTHER STATES

The following resolutions are received from another legislative body:

**House of Representatives**
**State of Michigan**

86th District
State Representative
ALAN L. CROPSEY
State Capitol
Lansing, Michigan 48913
(517)373–1778

TO: Clerks
FROM: Representative Alan Cropsey
DATE: September 9, 1993
RE: Resolution

Enclosed is a resolution passed by the Michigan Legislature. I would strongly encourage your state to join with us in this lawsuit.

If you need more information, please do not hesitate to contact me.

Sincerely,

S/Alan L. Cropsey
*State Representative*
*86th District*

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**THE STATE OF MICHIGAN**

**(SEAL)**

**House Concurrent Resolution No. 185**

Offered by Representatives Cropsey, DeMars, Willard, Lowe, Voorhees, Bullard and Martin and Senators Cisky, Conroy, Emmons, Hoffman, Schwarz and Welborn

**A CONCURRENT RESOLUTION REQUESTING THE MICHIGAN ATTORNEY GENERAL TO FILE SUIT IN THE UNITED STATES SUPREME COURT AGAINST THE UNITED STATES GOVERNMENT, SPECIFIED U.S. GOVERNMENT DEPARTMENTS AND AGENCIES, AND THE OFFICIAL REPRESENTATIVES OF CERTAIN OTHER COUNTRIES ALLEGING VIOLATIONS OF THE CIVIL RIGHTS OF PRISONERS OF WAR OR MISSING IN ACTION AND TO DEMAND THAT DOCUMENTS CONCERNING THESE INDIVIDUALS BE RELEASED, AND ALSO URGING THE OTHER FORTY-NINE STATES TO JOIN IN THIS ACTION**

WHEREAS, There is continuing controversy concerning the presence of American servicemen, who were listed as Prisoners of War or Missing in Action, being held against their will in the Southeast Asian nations of Vietnam, Laos, and Kampuchea (formerly Cambodia); and

WHEREAS, The United States government has stated that all of our Prisoners of War have been returned from Vietnam; and

WHEREAS, A recent top secret Vietnamese report, dating from 1972, by General Tran Von Kwong, Deputy Chief of Staff for the North Vietnamese Army, reported that in September of 1972 Hanoi held 1,205 American prisoners; and

WHEREAS, Only 591 American Prisoners of War have been released under the 1973 Peace Settlement; and

WHEREAS, Vietnamese nationals who have moved to the United States have reported the appearance of American Prisoners of War still being held against their will in Southeast Asia; and

WHEREAS, The President of Russia let it be known that the Soviet Union took American servicemen during the Vietnam War into Russia and that there is no adequate explanation concerning the whereabouts of these servicemen; and

WHEREAS, There are still hundreds of documents in the United States Defense Department that have not been released to the public concerning the fate of American servicemen classified as Prisoners of War or Missing in Action; and

WHEREAS, The United States government's intelligence agencies have taken the position of trying to discredit any information concerning the existence of American Prisoners of War, instead of demanding a full accounting from Vietnam, Laos, and Kampuchea based upon said information that has been received; and

WHEREAS, There are seventy–three missing and unaccounted for servicemen in Southeast Asia from Michigan; and

WHEREAS, The United States government has never entered into negotiations with the government of Laos concerning the release of American Prisoners of War who were taken prisoner by the communists in Laos during the Vietnam War; and

WHEREAS, The United States government has never entered into negotiations with the government of Kampuchea concerning the release of American Prisoners of War who were taken prisoner by the communists in Kampuchea during the Vietnam War; and

WHEREAS, The Paris Peace Accord is now twenty years old and any national security secrets on the technology that was used in the war would be outdated, especially considering that the military research and arms buildup have made most of the technology and methods used in the Vietnam War obsolete; and

WHEREAS, The only reason for secrecy at this time would be to cover up the actions of politicians, bureaucrats, and negotiators who deliberately abandoned American Prisoners of War after the Vietnam War; and

WHEREAS, Any Americans who are still being held against their will in Southeast Asia as a result of the Vietnam War are having their right to liberty—that inherent and inalienable right by which they are endowed by our Creator, as guaranteed by the Declaration of Independence and the Constitution of the United States—violated; and

WHEREAS, Americans highly prize and value that sacred right of liberty, that right the founders of our nation pledged to fight for with their lives, their fortunes, and their sacred honor to win and to protect; and

WHEREAS, The executive branch of the federal government has miserably failed to even attempt to negotiate the release of Americans that may still be held in Southeast Asia, and is obstructing the discovery of any remaining servicemen; and

WHEREAS, The legislative branch of the federal government has also miserably failed to thoroughly investigate and honestly report on this tragedy, and, indeed, has even ordered the destruction of staff documents containing staff intelligence reports on this sensitive issue; and

WHEREAS, The inferior courts of the federal judiciary have not granted relief to the American soldiers listed as Prisoners of War or Missing in Action; and

WHEREAS, The United States Supreme Court is the last bastion that an American citizen has for redress of grievances and protection of Constitutional liberty against an oppressive federal executive and a duplicitous federal legislature; and

WHEREAS, The United States Constitution, in Article III, section 2, states "In all Cases affecting Ambassadors, other public Ministers and Counsels, and those in which a State shall be a Party, the Supreme Court shall have original Jurisdiction"; now, therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES (the Senate concurring), That the Michigan Legislature hereby requests the Attorney General of the state of Michigan, on behalf of the people of the state of Michigan, to file in the United States Supreme Court a cause of action against the government of the United States, especially the Department of Defense and the intelligence agencies, and also against the ambassadors or other public ministers and consuls of the governments of Vietnam, Laos, Kampuchea, Russia, and China, alleging violation of civil rights of the people of Michigan, especially alleging the violation of the right to life, liberty, and the pursuit of happiness of the following named citizens of the state of Michigan:

| Name | Military Service | Home City of Record |
|---|---|---|
| Allard, Richard M. | USA | Chesaning |
| Anderson, Robert D. | USAF | Battle Creek |
| Anderson, Warren L. | USAF | Camden |
| Austin, Ellis E. | USN | Vermontville |
| Beckwith, Harry III | USA | Flint |
| Boltze, Bruce E. | USMC | Flint |
| Borton, Robert Jr. | USMC | Benton Harbor |
| Buckley, Louis Jr. | USA | Detroit |
| Burgess, John L. | USA | Kingsley |
| Carroll, Patrick H. | USAF | Allen Park |
| Carter, James D. | USA | Clarkston |
| Chapman, Rodney M. | USN | Alpena |
| Cline, Curtis R. | USA | Burlington |
| Crossman, Gregory J. | USAF | Sturgis |
| Cudlike, Charles J. | USA | Detroit |
| Dailey, Douglas V. | USAF | Waterford |
| Dennany, James E. | USAF | Mattawan |
| Dix, Craig M. | USA | Livonia |
| Dye, Melvin C. | USA | Carleton |

| Name | Military Service | Home City of Record |
|---|---|---|
| Feneley, Francis J. | USAF | Curtis |
| Gauthier, Dennis L. | USA | Rochester |
| Green, Larry E. | USMC | Mt. Morris |
| Greiling, David S. | USN | Hillsdale |
| Groth, Wade L. | USA | Greenville |
| Hammond, Dennis W. | USN | Detroit |
| Hill, Robert J. | USAF | Detroit |
| Holman, Gerald A. | USN | Northville |
| Huard, James L. | USAF | Dearborn |
| Jackovac, John A. | USA | Detroit |
| Jarvis, Jeremy M. | USAF | Warren |
| Jerome, Stanley M. | USN | Detroit |
| Johnson, Bruce G. | USA | Harbor Beach |
| King, Donald L. | USAF | Muskegon |
| Kipina, Marshall F. | USA | Calumet |
| Kilmo, James R. | USA | Muskegon |
| Klugg, Joseph R. | USN | Okemos |
| Kooi, James W. | USMC | Fruitport |
| Lapham, Robert G. | USAF | Marshall |
| Leonard, Marvin M. | USA | Grand Rapids |
| Marvin, Robert C. | USN | Dexter |
| Massucci, Martin J. | USAF | Royal Oak |
| May, Michael F. | USA | Vassar |
| Nahan, John B. III | USMC | Allegan |
| Nelson, James R. | USA | Ludington |
| O'Donnell, Samuel Jr. | USAF | Dearborn |
| Paul, James L. | USA | Riverview |
| Perry, Otha L. | USA | Detroit |
| Pineau, Roland R. | USN | Berkley |
| Riggs, Thomas F. | USA | Farmington |
| Roberts, Richard D. | USA | Lansing |
| Robertson, Mark J. | USA | Detroit |
| Robinson, Lewis M. | USAF | Saginaw |
| Ross, Llynn Jr. | USA | Detroit |
| Seablom, Earl F. | USA | Ishpeming |
| Smith, William Jr. | USA | Battle Creek |
| Stevens, Phillip P. | USN | Twin Lake |
| Stroven, William H. | USAF | Fremont |
| Stuifbergen, Gene P. | USAF | Augusta |
| Teran, Refugio T. | USA | Westland |
| Thoresen, Donald N. | USN | Detroit |
| Tromp, William L. | USN | Fennville |
| Tucci, Robert L. | USAF | Detroit |
| Tyler, George E. | USAF | Royal Oak |
| Wagener, David R. | USAF | Ann Arbor |
| Walker, Kenneth E. | USAF | Lansing |
| Wallace, Michael J. | USA | Ann Arbor |
| Welch, Robert J. | USAF | Detroit |

| Name | Military Service | Home City of Record |
|---|---|---|
| Widon, Kenneth H. | USN | Detroit |
| Wilson, Robert A. | USAF | Detroit |
| Woloszyk, Donald J. | USN | Alpena |
| Worchester, John B. | USN | Big Rapids |
| Wozniak, Frederick | USAF | Alpena |
| Wright, Arthur | USA | Lansing |

; and be it further

RESOLVED, That the Attorney General of the state of Michigan, in filing this suit, shall demand that the Department of Defense, the intelligence agencies, the governments of Vietnam, Laos, Kampuchea, Russia, and China turn over all documents concerning Prisoners of War and Missing in Action in Laos, Kampuchea, and Vietnam; and be it further

RESOLVED, That the sister forty–nine states of the United States of America be urged to join in this action on behalf of their state and the citizens of their state who are being held in captivity in Southeast Asia; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Attorney General of the state of Michigan, to the United States Supreme Court, to the President of the United States, to the Speaker of the United States House of Representatives, to the President of the United States Senate, to the members of the Michigan congressional delegation, and to the clerks of the respective Houses and Senates of our sister forty–nine states.

Adopted by the House of Representatives, May 27, 1993
Adopted by the Senate, June 24, 1993

S/Willis H. Snow
Secretary of the Senate

S/David H. Evans
Co–Clerk of the House of Representatives

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Bill Graves
Secretary of State

(SEAL)

2nd Floor, State Capitol
Topeka, KS 66612–1594
(913) 296–2236

STATE OF KANSAS
MEMORANDUM

To: Secretary of State
From: Brad Bryant, Elections Division
Deputy Assistant Secretary of State
Date: May 10, 1994
RE: Concurrent Resolutions

Kansas Senate Concurrent Resolution 1620 is a concurrent resolution requesting the Congress of the United States to propose for ratification by the states and amendment to the Constitution of the United States requiring the federal government to pay costs incurred by states in providing programs and services mandated or required by the federal government.

My office is directed by this resolution to send you and and the presiding officer of each house of the legislature enrolled copies, which are enclosed. Please distribute.

Kansas House Concurrent Resolution 5031 is a concurrent resolution requesting the Kansas Attorney General to recommend to the legislature whether to join in an action in the United States Supreme Court to obtain information about Kansas POWS/MIAS in Southeast Asia.

My office is directed by this resolution to send an enrolled copy to the clerk of the House and Senate which are enclosed, please distribute.

If my office can be of assistance to you, please feel free to call.

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## SENATE CONCURRENT RESOLUTION No.1620

*A CONCURRENT RESOLUTION requesting the Congress of the United States to propose for ratification by the states an amendment to the Constitution of the United States requiring the federal government to pay costs incurred by states in providing programs and services mandated or required by the federal government.*

WHEREAS, States are finding it increasingly difficult to provide for the financing of costs of basic programs and services required under the constitutions and laws of such states; and

WHEREAS, Each year states are required to establish additional programs and services or to expand existing programs and services in accordance with standards prescribed by the federal government; and

WHEREAS, Revenue sources available to states are not expanding in such a manner as to permit the financing of both basic state programs and services and programs and services mandated by the federal government; and

WHEREAS, Under Article V of the constitution of the United States, congress may propose amendments to the constitution of the United States for ratification by the states: Now, therefore,

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the Legislature of the State of Kansas hereby requests the congress of the United States to propose and submit to the states for ratification an amendment to the constitution of the United States, in accordance with Article V of the Constitution of the United States, requiring the federal government to pay all costs incurred by states in establishing new programs and services or expanding existing programs and services mandated by the federal government; and

*Be it further resolved:* That the Legislature of each of the other states in the Union is hereby urged to request the congress of the United States to propose and submit to the states for ratification an amendment to the constitution of the United States, for such purpose; and

*Be it further resolved:* That the Secretary of State be directed to send enrolled copies of this resolution to the Secretary of the United States Senate, the Clerk of the

United States House of Representatives, each member of the Kansas delegation in the Congress of the United States and the Secretary of State and to the secretary of state and the presiding officers of each house of the Legislature of each of the several states of the United States.

I hereby certify that the above *CONCURRENT RESOLUTION* originated in the SENATE, and was adopted by that body

March 9, 1994

S/Paul E. Burke Jr.
*President of the Senate*

S/Pat Saville
*Secretary of the Senate*

Adopted by the House March 25, 1994

S/Robert H. Miller
*Speaker of the House*

S/Janet E. Jones
*Chief Clerk of the House*

## HOUSE CONCURRENT RESOLUTION No 5031

*A CONCURRENT RESOLUTION* requesting the Kansas Attorney General to recommend to the legislature whether to join in an action in the United States Supreme Court to obtain information about Kansas POWS/MIAS in Southeast Asia.

WHEREAS, There is continuing controversy concerning the presence of American servicemen, who were listed as Prisoners of War (POWS) or Missing in Action (MIAS), being held against their will in the Southeast Asian nations of Vietnam, Laos, and Kampuchea (formerly Cambodia); and

WHEREAS, The United States government has stated that all of our Prisoners of War have been returned from Vietnam; and

WHEREAS, A recent top secret Vietnamese report, dating from 1972 reported that in September of 1972, Hanoi held 1,205 American prisoners; and

WHEREAS, Only 591 American Prisoners of War have been released under the 1973 Peace Settlement; and

WHEREAS, Vietnamese nationals who have moved to the United States have reported the appearance of American Prisoners of War still being held against their will in Southeast Asia; and

WHEREAS, There are still many unreleased documents in the United States Defense Department concerning the fate of American servicemen classified as Prisoners of War or Missing in Action; and

WHEREAS, There are thirty–four missing and unaccounted for servicemen in Southeast Asia from Kansas: John Quincy Adam, (Bethel); Frankie Eugene Allgood, (Fort Scott); Denis Leon Anderson, (Hope); Steven Henry Bennefeld, (Girard); Michael Hugh Breeding, (Blue Rapids); David Marion Christian, (Lane); Richard Ames Claflin, (Kansas City); Michael L. Donovan, (Norton); Thomas Eldon Gillen, (Kingman); Dennis L. Graham, (Greensburg); Patrick K. Harrold, (Fort Leavenworth); Jerry Wayne Hendrix, (Wichita); Charles L. Hoskins, (Roeland Park); Eugene M. Jewell, (Topeka); Dean Albert Klenda, (Manhattan); Kurt Elton LaPlant, (Lenexa); John Carl Lindahl, (Lindsborg); George Wendell Long, (Medicine Lodge); Glenn De Wayne McCubbin, (Almena); William D. McGonigle (Princeton); Bobby Lyn McKain, (Garden City); William R. Moore, (Prinston); Richard Lynn Mowrey, (Prarie Village); Fred Albert Neth, (Fort Scott); Ward Karl Patton, (Fontana); Dennis Gerald Pugh, (Salina); Ronald James Schultz, (Hillsboro); Richard D. Smith, (Wichita); Robert L. Standerwick, (Mankato); Frederick John Sutter, (Leawood); William Joseph Thompson, (Kansas City); John Mark Tiderman, (Kansas City); Larry Don Welsh, (Kansas City); and Joseph A. Zutterman, Jr., (Marysville); and

WHEREAS, The inferior courts of the federal judiciary have not granted relief to the American soldiers listed as Prisoners of War or Missing in Action; and

WHEREAS, The United States Constitution, in Article III, section 2, states "In all Cases affecting Ambassadors, other public Ministers and Counsels, and those in which a State shall be a Party, the Supreme Court shall have original Jurisdiction": Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we hereby request the Kansas Attorney General to determine the merits of joining with attorneys general of other states in an action against the United States government, and also against the Ambassadors or other Public Ministers and Consuls of the governments of Vietnam, Laos, Kampuchea, Russia and China, to obtain information about Kansas POW/MIAS in Southeast Asia and to recommend to the legislature whether to join in such action; and

*Be it further resolved:* That the Secretary of State be directed to send copies of this resolution to the Kansas Attorney General; the United States Supreme Court; the President of the United States; the Speaker of the United States House of Representatives; the President of the United States Senate; the members of the Kansas congressional delegation and the clerks of the respective Houses and Senates of our 49 sister states.

I hereby certify that the above *CONCURRENT RESOLUTION* originated in the HOUSE, and was adopted by that body

February 8, 1994

HOUSE concurred in
SENATE amendments

April 27, 1994

S/Robert H. Miller
*Speaker of the House*

S/Janet E. Jones
*Chief Clerk of the House*

Adopted by the
SENATE as amended April 8, 1994

S/Paul E. Burke, Jr.
*President of the Senate*

S/Pat Saville
*Secretary of the Senate*

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June 20, 1994

Sylvia Morris Fink, Secretary of the Senate
2020 Legislative Building
Raleigh, North Carolina 27601–1096

Dear Secretary Fink,

Pursuant to adoption by the Illinois House of Representatives, I am enclosing for your attention the following House Resolution.

Additional copies of this resolution may be obtained by writing:

The Office of the Clerk
Room 115 State Capital
Springfield, IL 62706

Any questions concerning the interpretation of this resolution should be directed to the House Sponsor. Transcripts of committee hearings and/or other debate relating to the House's action on this matter may also be available from the Clerk's Office.

Respectfully submitted,
S/ANTHONY D. ROSSI,
*Clerk of the House*

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STATE OF ILLINOIS
EIGHTY–EIGHTH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

House Joint Resolution No. 86

Offered by Representative Wirsing – Stephens – Tenhouse – Lawfer, Zickus, Noland, M.Murphy, Olson, Moffitt, Dart, Black, Martinez, Ryder, Weaver, Balthis, Leitch, Weller and Giolitto

**WHEREAS**, There is continuing controversy concerning the presence of American servicemen, who were listed as Prisoners of War or Missing in Action, being held against their will in the Southeast Asian nations of Vietnam, Laos, and Kampuchea (formerly Cambodia); and

**WHEREAS**, The United States government has stated that all of our Prisoners of War have been returned from Vietnam; and

**WHEREAS**, A recent top secret Vietnamese report, dating from 1972, by General Tran Von Kwong, Deputy Chief of Staff for the North Vietnamese Army, reported that in September of 1972 Hanoi held 1,205 American prisoners; and

**WHEREAS**, Only 591 American prisoners of War have been released under the 1973 Peace Settlement; and

**WHEREAS**, Vietnamese nationals who have moved to the United States have reported the appearance of American Prisoners of War still being held against their will in Southeast Asia; and

**WHEREAS**, The President of Russia let it be known that the Soviet Union took American servicemen during the Vietnam War into the Soviet Union and that there is no adequate explanation concerning the whereabouts of these servicemen; and

**WHEREAS**, There are still hundreds of documents in the United States Defense Department that have not been released to the public concerning the fate of American servicemen classified as Prisoners of War or Missing in Action; and

**WHEREAS**, The United States government's intelligence agencies have taken the position of trying to discredit any information concerning the existence of American Prisoners of War, instead of demanding a full accounting from Vietnam, Laos, and Kampuchea based upon the information that has been received; and

**WHEREAS**, There are 96 missing and unaccounted for servicemen in Southeast Asia from Illinois; and

**WHEREAS**, The United States government has never entered into negotiations with the government of Laos or Kampuchea concerning the release of American Prisoners of War who were taken prisoner by the communists in Laos during the Vietnam War; and

**WHEREAS**, The only reason for secrecy at this time would be to cover up the actions of politicians, bureaucrats, and negotiators who deliberately abandoned American Prisoners of War after the Vietnam War; and

**WHEREAS**, The executive branch of the federal government has put forth a pathetic effort to negotiate the release of Americans that may still be held in Southeast Asia, and is obstructing the discovery of any remaining servicemen, and

**WHEREAS**, The legislative branch of the federal government has failed to thoroughly investigate and honestly report on this tragedy, and indeed, has even ordered the destruction of staff documents containing staff intelligence reports on this sensitive issue; and

**WHEREAS**, The inferior courts of the federal judiciary have not granted relief to the American soldiers listed as Prisoners of War or Missing in Action; and

**WHEREAS**, The United States Supreme Court is the last bastion that an American citizen has for redress of grievances and protection of Constitutional liberty against an oppressive federal executive and a duplicitous federal legislature; and

**WHEREAS**, The United States Constitution, in Article III, section 2, states "In all Cases affecting Ambassadors, other public Ministers and Counsels, and those in which a State shall be a Party, the Supreme Court shall have original Jurisdiction"; and

**WHEREAS**, Any Americans who are still being held against their will in Southeast Asia as a result of the Vietnam War are having their right to liberty, that inherent and inalienable right by which they are endowed by our Creator, as guaranteed by the Declaration of Independence and the Constitution of the United States, violated, therefore be it

**RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS. THE SENATE CONCURRING HEREIN**, that we request the Attorney General of the State of Illinois, on behalf of the people of the State of Illinois, to file in the United States Supreme Court a cause of action against the government of the United States, especially the Department of Defense and the intelligence agencies, and also against the ambassadors or other public ministers and consuls of the governments of Vietnam, Laos, Kampuchea, Russia, and China, alleging violation of civil rights of the people of Illinois, especially alleging the violation of the right to life, liberty, and the pursuit of happiness of the following named citizens of the State of Illinois:

Harold Joseph Alwan, USMC, of Peoria
Harry Arlo Amesbury, Jr., USAF, of Morrison
Gregory Lee Anderson, USAF, of Wheaton
Robert Donald Beutel, USAF, of Tremont
Wayne Bibbs, USA, of Blue Island
Timothy Roy Bodden, USMC, of Downer's Grove
Arthur Ray Bollinger, USAF, of Greenville
Daniel Vernor Boran, Jr., USN, of Olney
James Alvin Branch, USAF, of Park Forest
Thomas Edward Brown, USN, of Danville
Robert Wallace Brownlee, USA, of Chicago
Bernard Ludwig Bucher, USAF, of Eureka
Kenneth Richard Buell, USN, of Kankakee
Park George Bunker, USAF, of Homewood
Michael John Burke, USMC, of Chicago
Joseph Henry Byrne, USAF, of Evanston
Ralph Laurence Carlock, USAF, of Des Plaines
John Werner Carlson, USAF, of Chicago
John Bernard Causey, USAF, of Granite City
Charles Peter Claxton, USAF, of Chicago
Dean Eddie Clinton, USA, of Dix
Ralph Burton Cobbs, USN, of East St. Louis
Willard Marion Collins, USAF, of Quincy
Joseph Bernard Copack, Jr., USAF, of Chicago
Kenneth Leroy Cunningham, USA, of Ellery
Patrick Robert Curran, USMC, of Bensenville
Raymond George Czerwiec, USA, of Chicago
Thomas Carl Daffron, USAF, of Pinckneyville
Randall David Dalton, USA, of Collinsville
James Leslie Dayton, USA, of Granite City

Richard Carl Deuter, USN, of Chicago
Michael E. Dunn, USN, of Naperville
Dennis Keith Eads, USA, of Prophetstown
William F. Farris, USN, of West Salem
Barry Frank Fivelson, USA, of Evanston
Ronald E. Galvin, USN, of River Forest
Charles Hue Gatewood, USMC, of Chicago
Donald Arthur Gerstel, USN, of Matteson
John Bryan Golz, USN, of Rock Island
Thomas E. Heideman, USAF, of Chicago
Robert D. Herreid, USA, of Aurora
Joseph Arnold Hill, USMC, of Taylorville
Anthony F. Housh, USA, of Newton
Roger B. Innes, USN, of Chicago
Michael James Jablonski, USA, of Chicago
Ronald James Janousek, USMC, of Posen
Jack Elmer Keller, USN, of Chicago
Kenneth Keigh Knabb, Jr., USN, of Wheaton
Jeffery C. Lemon, USAF, of Flossmoor
Leonard J. Lewandowski, Jr., USMC, of Des Plaines
Notely G. Maddox, USAF, of Rockford
Richard Carlton Marshall, USAF, of Chicago
James Philip Mason, USA, of DeKalb
Glenn David McElroy, USA, of Sidney
James Patrick McGrath, USN, of Chicago
Carl Ottis McCormick, USAF, of Peoria
Robert Charles McMaran, USN, of Jacksonville
Roger Allen Meyers, USN, of Chicago
William John Moore, USAF, of Monmouth
Wayne Ellsworth Newberry, USAF, of E. St. Louis
Randall John Nightingale, USN, of Onaroa
Joseph Paul Nolan, Jr., USA, of Oak Park
Michael David O'Donnell, USA, of Springfield
Floyd Warren Olsen, USA, of Wheaton
Warren Robert Orr, Jr., USA, of Kewanee
Donald E. Parsons, USA, of Sparta
Roger Dale Partington, USMC, of Sparta
Gordon Samuel Perisho, USN, of Quincy
James L. Phipps, USA, of Mattoon
Thomas Holt Pilkington, USN, of Morton Grove
Jerry Lynn Pool, USA, of Freeport
William Marshall Price, USMC, of Kewanee
Dennis M. Rattin, USA, of Bradley
Ronald R. Rexroad, USAF, of Rankin
Robert Paul Riggins, USAF, of Champaign
Billie Leroy Roth, USAF, of Lacon
Leland Charles Cooke Sage, USN, of Waukegan
Richard Eugene Sands, USA, of Springfield
Leroy Clyde Schaneberg, USAF, of Ashton

David Lee Scott, USA, of Carlock
David William Skibbe, USMC, of Des Plaines
Harold Victor Smith, USAF, of Bridgeport
Joseph Stanley Smith, USAF, of Assumption
Dean Paul St. Pierre, USAF, of Kankakee
James Clellon Story, USA, of Berwyn
John W. Swanson, Jr., USAF, of Arlington
Jerrold Allen Switzer, USMC, of Paris
Derri Sykes, USA, of Chicago
Oral D. Terry, USA, of Mascoutah
John C. Towle, USAF, of Harrisburg
Dustin Cowles Trowbridge, USN, of Wayne
Martin D. Vandeneykel II, USA, of Wheaton
James Edward Whitt, USAF, of Penfield
Richard Dennis Wiley, USA, of Decatur
Robert Cyril Williams, USAF, of McLeansboro
Robert John Zukowski, USAF, of Chicago

and be it further

**RESOLVED**, That the Attorney General of the State of Illinois, in filing this suit, shall demand that the Department of Defense, the intelligence agencies, the governments of Vietnam, Laos, Kampuchea, Russia, and China turn over all documents concerning Prisoners of War and Missing in Action in Laos, Kampuchea, and Vietnam; and be it further

**RESOLVED**, That the sister forty–nine states of the United States of America be urged to join in this action on behalf of their state and the citizens of their state who are being held in captivity in Southeast Asia; and be it further

**RESOLVED**, That a suitable copy of this preamble and resolution be forwarded to the Attorney General of the State of Illinois, to the United States Supreme Court, to the President of the United States, to the Speaker of the United States House of Representatives, to the President of the United States Senate, to the members of the Illinois congressional delegation, and to the clerks of the respective Houses and Senates of our sister forty–nine states.

Adopted by the House of Representatives on May 12, 1994.

S/Anthony D. Rossi
Anthony D. Rossi, *Clerk of the House*

S/Michael J. Madigan
Michael J. Madigan,
*Speaker of the House*

Concurred in by the Senate of June 15, 1994.

S/Jim Harry
Jim Harry, *Secretary of the Senate*

S/J. P. Philip
James "Pate" Philip,
*President of the Senate*

## RESIGNATION

The following letters of resignation and appointment were received following adjournment *sine die*:

Received August 15, 1994

**NORTH CAROLINA GENERAL ASSEMBLY**
**Senate Chamber**
**State Legislative Building**
**Raleigh 27601–2808**

Senator James F. Richardson
33rd District

August 12, 1994

The Honorable James B. Hunt, Jr.
Governor
State of North Carolina
State Capital
Raleigh, North Carolina 27601–2905

*Dear Governor Hunt:*

This letter is tendered to advise you of my resignation as Senator of District 33, in Mecklenburg County, so that I might accept the nomination to become County Commissioner in Charlotte–Mecklenburg's District 2. As you know, I had not sought re–election this year and would have been retiring at the end of this year.

Although, I will no longer be in the Senate, I look forward to continuing to see you, perhaps when you are in Charlotte or when I'm in Raleigh.

I will be resigning, effective Monday, August 15, 1994, 8:00 a.m.

My best wishes,

Sincerely,
S/Jim Richardson

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Received September 6, 1994

**STATE OF NORTH CAROLINA**

**James B. Hunt Jr.**
**Governor**

THE APPOINTMENT OF CHARLIE SMITH DANNELLY
1994
BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA
A PROCLAMATION

WHEREAS, the Honorable James F. Richardson, elected Senator from the Thirty–third District, 1993 General Assembly, has resigned his office; and

WHEREAS, the provisions of General Statues 163–11 require that the vacancy created by the resignation of the Honorable James F. Richardson be filled by appointment of the person recommended by the Thirty–third Senatorial District Executive Committee of the Democratic Party; and

WHEREAS, the Thirty–third Senatorial District Executive Committee of the Democratic Party has notified me of its recommendation of Charlie Smith Dannelly of Charlotte, North Carolina, to fill said vacancy,

I do by these presents appoint
Charlie Smith Dannelly
as a member of the
NORTH CAROLINA SENATE
1993 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 2nd day of September in the year of our Lord, One Thousand Nine Hundred Ninety–Four.

S/James B. Hunt Jr.
*Governor of North Carolina*

S/Rufus L. Edmisten

(SEAL) *Secretary of State*

The Oath of Office taken and subscribed to by Senator Charlie Smith Dannelly on September 22, 1994, is on file in the Office of the Principal Clerk

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Received December 15, 1994

**NORTH CAROLINA GENERAL ASSEMBLY**
**Senate Chamber**
**State Legislative Building**
**Raleigh 27601–2808**

Senator Dennis J. Winner
28th District

December 13, 1994

The Honorable James B. Hunt, Jr.
Office of the Governor
The State Capitol
Raleigh, North Carolina 27601

*Dear Governor Hunt:*

I would like to take this opportunity to thank you for allowing me to continue serving the people in the State of North Carolina through my appointment to the Superior Court. I hereby resign from the North Carolina Senate as of my taking the oath for Judge, which I tentatively plan for December 16, 1994. My years in the Senate have been enjoyable and I will certainly take this experience with me to the courtroom where I hope some knowledge gained from serving in the legislature will be of benefit in making judicial decisions.

Your confidence and trust in me is deeply appreciated and I look forward to this new challenge. With best wishes and warm personal regards, I am

Sincerely,
S/Dennis J. Winner

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# APPENDIX



# NORTH CAROLINA GENERAL ASSEMBLY SENATORIAL DISTRICTS

(G.S. 120–1)

| DISTRICTS (Seats) | | COUNTIES Townships, Precincts, Census Tracts, Block Groups |
|---|---|---|
| 1st | (1) | **BEAUFORT** (Townships: Long Acre, Pantego, Washington: **Tract 9905:** Block Group 5 [522A, 528A]); **BERTIE** (Whites, Windsor 2); **CAMDEN; CHOWAN; CURRITUCK; DARE; HYDE; PASQUOTANK; PERQUIMANS; TYRRELL; WASHINGTON** (Plymouth 3, Scuppernong, Skinnersville). |
| 2nd | (1) | **BERTIE** (Colerain 1, 2, Indian Woods, Merry Hill, Mitchells 1, 2, Roxobel, Snakebite, Windsor 1, Woodville); **GATES; HALIFAX** (Butterwood, Conoconnara, Enfield 1, 2, 3, Halifax, Hobgood, Hollister, Littleton 1, 2, Palmyra, Roseneath, Scotland Neck 1, 2, Weldon 1, 2, 3); **HERTFORD; NORTHAMPTON; VANCE** (Dabney, Middleburg, Townsville, Williamsboro); **WARREN**. |
| 3rd | (1) | **CARTERET** (Townships: Atlantic, Beaufort, Cedar Island, Davis, Harkers Island, Harlowe, Marshallberg, Merrimon, Morehead: **Tract 9703:** Block Group 4 [437], **Tracts 9704, 9705, 9706:** Block Group 1, Block Group 2, Block Group 3 [301A, 302–359], Block Group 4, **Tract 9707,** Block Group 6 [601, 602, 621A, 621B, 624A, 625A, 626A, 627A, 628A, 629A, 630–648, 649A, 650–663], **Tract 9708:** Block Group 4: [401A, 459A, 460–463], Newport, Portsmouth, Sea Level, Smyrna, Stacy, Straits, White Oak: **Tract 9708:** Block Group 1 [101B, 102, 103C, 105–126, 130B, 139B], Block Group 2 [201, 203, 204], Block Group 4 [401C, 403–409, 410A, 410B, 410C, 411A, 411B, 411C, 412–414, 415A, 415B, 416, 417A, 417B, 418, 419A, 419B, 420A, 420B, 420C, 421–423, 424A, 424B, 425–444, 445A, 445B, 446–447, 448A, 448B, 449, 450A, 450B, 451–454, 455A, 455B, 456–457, 458B]); **CRAVEN; PAMLICO**. |
| 4th | (1) | **CARTERET** (Townships: Morehead: **Tract 9709**: Block Group 1 [108–124, 125A, 125B, 126–140], Block Group 2 [201A, 201C, 201D, 202–212], **Tracts 9710, 9711, 9711.99, 9712**, White Oak: **Tract 9708**: Block Group 2 [202, 205–256], Block Groups 3, 5, 6, 7, **Tract: 9709**: Block Group 1 [101–107, 141–154], Block Group 2 [201B], Block Groups 3, 4, 5, 6 [601–665]); **NEW HANOVER** (Cape Fear 2, 3, Federal Point 1, 2, 3, Harnett 2, 3, 4, 5, 6, 7, Masonboro 2, 3, 4, 5, Wilmington 8, 11, 12, 13, 14, 16, 17, 18, Wrightsville Beach); **ONSLOW** (Bear Creek, Catherine Lake, Cross Roads, Folkstone: **Tract 4**: Block Group 3 [301A, 301B, 302A, 302B, 303A, 303B, 304, 305A, 305B, 306A, 306B, 307, 308, 309A, 309B, 310, 311A, 311B, 312–318, 320–330, 340–347, 352–354, 362, 363], Holly Ridge: **Tract 4**: Block Group 4 [401A, 401B], Hubert, Mortons, Sneads Ferry: **Tract 4**: Block Group 3 [319], Swansboro, Tar Landing, Verona: **Tract 3**: Block Group 2 [216], Block Group 3: [301A, 301B, 302, 303A, 303B, 304A, 304B, 305, 306, 307A, 307B, 308, 309A, 309B, 310A, 310B, 313A, 313C, 314–325], Block Group 4 [425–431, 433–435]; Camp Lejeune Military Base 13); **PENDER** (Scott's Hill, Surf City, Lower Topsail, Upper Topsail). |

| DISTRICTS (Seats) | | COUNTIES<br>Townships, Precincts, Census Tracts, Block Groups |
|---|---|---|
| 5th | (1) | **DUPLIN; JONES** (Chinquapin, Cypress Creek, Tuckahoe); **ONSLOW** (Brynn Marr, Harris Creek, Haw Branch, Haws Run: **Tract 4**: Block Group 4 [408], Gum Branch, Half Moon: **Tract 12**: Block Group 1 [101B, 102B, 108B, 109B, 110–118, 128–132, 136, 137], Jacksonville, East Northwoods, West Northwoods, Richlands); **PENDER** (North Burgaw, Middle Holly: **Tract 9802**: Block Group 1 [112A, 113A, 124, 129A, 130A, 131A, 132–138, 163, 164, 191–195], Upper Holly: **Tract 9803**: Block Group 1 [101A], Long Creek, Penderlea, Rocky Point, Lower Union); **SAMPSON** (Autreyville, Clement, Central Clinton, East Clinton, Northeast Clinton, Southwest Clinton, West Clinton, Garland, Harrells, Herring, Ingold, Keener, Mingo, Plainview, Rowan, Salemburg, Turkey). |
| 6th | (1) | **EDGECOMBE** (Precincts: 1–1, 1–2, 1–3, 1–4, 2–1, 3–1, 4–1, 5–1, 6–1, 7–1, 8–1, 10–1, 11–1, 12–1, 12–2, 12–4, 12–5); **MARTIN** (Goose Nest, Hamilton, Hassell, Jamesville, Poplar Point, Robersonville 1, 2, Williams, Williamston 1, 2. **Tract: 9704**: Block Group 2 [202], **Tract 9705**: Block Group 4 [413], **Tract 9706**: Block Group 1 [168A]); **PITT** (Arthur, Belvoir, Bethel, Falkland, Farmville East, Farmville West, Fountain; Precincts: Greenville 1, 2, 2 (noncontiguous), 3, 4); **WASHINGTON** (Lees Mill, Plymouth 1, 2); **WILSON** (Gardners; Precincts: Wilson B, E, F, G, H, N, Q). |
| 7th | (1) | **JONES** (Beaver Creek, Pollocksville, Trenton, White Oak); **LENOIR** (Kinston 1, 2, 6, 7, 8, Southwest); **NEW HANOVER** (Cape Fear 1, Wilmington 1, 2, 3, 6, 7, 9, 10, 15); **ONSLOW** (Holly Ridge: **Tract 4**: Block Group 3 [331–339, 348–351, 355–361, 364], Block Group 4 [402–407, 409–426, 427A, 427B, 428–429, 430A, 430B, 431A, 431B, 432–434, 435A, 435B, 435C, 436A, 436B, 437A, 437B, 438–490, 491A, 491B, 492, 493A, 493B, 494–497], Mills: **Tract 1**: Block Group 1 [101–103, 104B, 105–112, 114, 115, 119, 120, 125B, 129B, 133, 134B, 135B, 136, 137B], New River, Northeast, Verona: **Tract 3**: Block Group 4 [432]. **VTD ZZZZ: Tract 1**: Block Group 1 [104A, 125A, 126–128, 129A, 130–132, 134A, 135A, 137A, 138, 139A, 140–143, 144A, 144B, 144C, 145–168, 169A, 170, 171A, 172–176, 177A, 177B, 178, 179, 185, 186, 196A, 196B, 197A, 197B], **Tract 2**: Block Group 6 [627A, 628, 629A, 629B, 630A, 631–633, 634A, 635A, 648A, 649A], **Tract 12**: Block Group 1 [101A, 102A, 103–106, 107A, 108A, 109A], **Tract 13**: Block Group 1 [107]; Camp Lejeune Military Bases 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14); **PENDER** (South Burgaw, Canetuck, Caswell, Columbia, Grady, Upper Holly: **Tract 9802**: Block Group 1 [101–105, 106A, 107A, 114–123, 125–128, 139–162, 165–180, 181A, 182–190, 196, 197], Block Group 2 [201A, 201B, 220], Upper Union). |
| 8th | (1) | **GREENE; LENOIR** (Neuse, Pink Hill 1, 2, Trent 1, 2, Woodlington); **WAYNE**. |

| DISTRICTS (Seats) | | COUNTIES<br>Townships, Precincts, Census Tracts, Block Groups |
|---|---|---|
| 9th | (1) | **BEAUFORT** (Townships: Bath, Chocowinity, Richland, Washington: **Tract 9902**: Block Group 1 [129B, 130B, 131–156, 157B, 158B, 159B, 160B, 175B, 176B, 185B, 186B, 187B, 189–191, 197], Block Group 2, **Tracts: 9903, 9904**); **LENOIR** (Contennea, Falling Creek, Institute, Kinston 3, 4, 5, 9, Moseley Hall, Sandhill, Vance); **MARTIN** (Beargrass, Cross Roads, Griffins); **PITT** (Ayden East, Ayden West, Carolina, Chicod, Greenville 5, 6, 7, 8, 9, 10, 11, 12, 13, Grifton, Grimesland, Pactolus, Simpson, Swift Creek, Winterville East, Winterville West). |
| 10th | (1) | **EDGECOMBE** (Precincts: 9–1, 12–3, 13–1, 14–1); **HALIFAX** (Faucett, Ringwood, Roanoke Rapids 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11); **NASH; WILSON** (Black Creek, Saratoga, Stantonsburg, Toisnot, Wilson A, C, D, I, M). |
| 11th | (1) | **FRANKLIN; JOHNSTON** (North Beulah, East Clayton, West Clayton, Cleveland, North O'Neals, South O'Neals, East Selma, West Selma, East Smithfield, North Smithfield, West Smithfield, Wilders, Wilson's Mills); **VANCE** (East Henderson, I, II, North Henderson I, II, South Henderson I, II, West Henderson I, IIA, IIB, Hilltop, Kittrell, Sandy Creek, Watkins); **WILSON** (Cross Roads, Old Fields, Spring Hill, Taylors, Wilson J, K, L, P). |
| 12th | (2) | **ALLEGHANY; ASHE; GUILFORD** (North Madison, South Madison, Stokesdale, North Washington, South Washington); **ROCKINGHAM; STOKES; SURRY; WATAUGA.** |
| 13th | (2) | **DURHAM; GRANVILLE; PERSON** (Allensville, Cunningham–Chub Lake, Holloway, Mt. Tirzah, Roxboro City #1, 1A, 2, 3, 4, Woodsdale); **WAKE** (Buckhorn, Cedar Fork, House Creek #1, Leesville #1, 3, New Light #2, White Oak #2). |
| 14th | (2) | **JOHNSTON** (North Elevation, South Elevation, Pleasant Grove); **WAKE** (Holly Springs, Little River 1, 2, Marks Creek 1, 2, Middle Creek 1, 2, Panther Branch, Raleigh 01–01 through 01–07, 01–09 through 01–23, 01–26, 01–27, 01–27 (part), 01–28 through 01–46, St. Mary's 1, 2, 3, 4, 6, 7, St. Matthews 1, 2, 3, 4, Wake Forest 1, 2). |
| 15th | (1) | **HARNETT; JOHNSTON** (North Banner, South Banner, West Banner, Bentonville, South Beulah, North Boon Hill, South Boon Hill, East Ingrams, West Ingrams, North Meadow, South Meadow, Micro, Pine Level); **LEE** (Cape Fear, Cumnock, Deep River, Jonesboro, East Sanford, West Sanford 1, 2, 3); **SAMPSON** (Kitty Fork, Newton Grove, Giddensville, Westbrook). |
| 16th | (2) | **CHATHAM; LEE** (Greenwood, East Pocket, West Pocket); **MOORE; ORANGE; RANDOLPH** (Armory, North Asheboro, East Cedar Grove, West Cedar Grove, Coleridge, Deep River, Eastside, Falls, Franklinville, Grant, Liberty, Lindley Park, Loflin, McCrary, New Hope, Providence, East Ramseur, West Ramseur, East Randleman, West Randleman, Richland, South Pointe, Staley, Union, Westside, Worthville). |
| 17th | (2) | **ANSON; HOKE** (Buchan, Fort Bragg, Puppy Creek, McCain, Rockfish); **MONTGOMERY; RICHMOND; SCOTLAND; STANLY** (For Township: Almond—see District 22); **UNION.** |

| DISTRICTS (Seats) | | COUNTIES Townships, Precincts, Census Tracts, Block Groups |
|---|---|---|
| 18th | (1) | **BLADEN** (For Townships: Hollow, White Oak—see District 30); **BRUNSWICK; COLUMBUS; NEW HANOVER** (Wilmington 4, 5). |
| 19th | (1) | **DAVIDSON** (Abbotts Creek, Thomasville 8); **GUILFORD** (Bruce, Clay, North Center Grove, South Center Grove, Deep River, Fentress 1, 2, Friendship–1, Greene, Jamestown–3, Oak Ridge, Greensboro 20, 27A, 27B, 27C, 34A, 37A, 37B, 39, 41A, High Point 8, 16, 20, 23, 24); **RANDOLPH** (East Archdale, West Archdale, Back Creek, Concord, Level Cross, North New Market, South New Market, Prospect, Tabernacle, East Trinity, West Trinity). |
| 20th | (2) | **FORSYTH** (For Clemmonsville 2, 3—see District 38). |
| 21st | (1) | **ALAMANCE; CASWELL; PERSON** (Bushy Fork, Flat River, Hurdle Mills, Olive Hill). |
| 22nd | (1) | **CABARRUS; ROWAN** (Blackwelder Park, Bostian School, Bradshaw, S. China Grove, Enochville, East Kannapolis, West Kannapolis, East Landis, West Landis, Locke, Steele); **STANLY** (Township: Almond). |
| 23rd | (1) | **DAVIDSON** (Boone, Central, Cotton, Southmont, Lexington 1, 2, 4, Ward 1, 2, 3, 4, 5, 6, Tyro, Silver Hill); **IREDELL** (Barringer, Coddle Creek 1, 2, 3, Cool Springs, Eagle Mills, New Hope, Olin, Statesville 3, 4, 5, 6, Turnersburg, Union Grove); **ROWAN** (Cleveland, Faith (noncontiguous), Franklin, Hatters Shop, Milford Hills, Mt. Ulla, West Innes, Scotch Irish, Spencer, East Spencer, Trading Ford, Trading Ford (noncontiguous A), Unity, East Ward I, II, North Ward I, II, South Ward, West Ward I, II, III). |
| 24th | (1) | **CUMBERLAND** (Alderman, Black River, Brentwood, Cedar Creek, Cross Creek 4, 7, 8, 9, 10, 11, 12, 14, 15, 18, 20, 21, 22, 23, Cumberland 1, 2, Hope Mills 1, Judson, Linden, Long Hill, Manchester, Montclair, Pearces Mill 2, 3, 4, Seventy First 2, 3, Sherwood, Stedman, Vander, Wade). |
| 25th | (1) | **CLEVELAND** (Falston, Lawndale, Polkville, Shelby 4); **GASTON** (Armstrong, Ashbrook, Bessemer City 1, 2, Cherryville 1, 2, 3, Crowders Mtn., Dallas 1, 2, Firestone, Flint Groves, Gardner Park, Grier, Health Center, Highland, Landers Chapel, Memorial Hall, Lowell, McAdenville, Myrtle, Ranlo, Robinson, Sherwood, Tryon, Woodhill, Victory); **LINCOLN** (Crouse, Heavners, Lincolnton/North, Lincolnton/South, Lithia, Love Memorial, Long Shoals, North Brook I/II). |
| 26th | (1) | **CATAWBA; LINCOLN** (Asbury, Boger City, Buffalo Shoals, Daniels/Vale, Hickory Grove, North Brook III, Pumpkin Center). |
| 27th | (2) | **ALEXANDER; AVERY; BURKE** (Drexel 1, 2, 3, Icard 1, 2, 3, 4, 5, Jonas Ridge, Linville 1, Lovelady 1, 2, 3, 4, Lower Creek, Lower Fork, Morganton 7, Smoky Creek, Upper Creek, Upper Fork); **CALDWELL; MITCHELL; WILKES; YADKIN.** |
| 28th | (2) | **BUNCOMBE** (For Broad River, Fairview, Limestone 2—see District 42); **BURKE** (Linville 2, Morganton, 1, 3, 4, 5, 6, 8, 9, 10, Quaker Meadow 1, 2, Silver Creek 1, 2, 3, 4); **MADISON; McDOWELL; YANCEY.** |

| DISTRICTS (Seats) | | COUNTIES Townships, Precincts, Census Tracts, Block Groups |
|---|---|---|
| 29th | (1) | **HAYWOOD** (For Townships: Cecil, Pigeon—see District 42); **HENDERSON** (Armory, Brickton, Brickton (noncontiguous), North Blue Ridge, Clear Creek, Hendersonville 1, 2, 3, Long John Mountain, Moores Grove, Northeast, Northwest (noncontiguous), North Mills River, South Mills River, Pisgah View); **JACKSON** (For Township: Cashiers—see District 42); **MACON** (Townships: Cowee, Franklin: **Tract 9702**: Block Group 1 [101B, 110C, 120–129, 130B, 131–140], Block Group 2 [216C], **Tract 9703**: Block Groups 1, 2, 3 [302A, 302B, 304, 307, 308, 309A, 309B, 310A, 310B, 310C, 311–314, 315A, 315B, 316, 317A, 317B, 318–321], Block Groups 4, 5, 6 [601–605, 606A, 607A, 607B, 608, 609A, 610, 611, 612A, 622, 623, 634–637], Block Groups 7, 8 [801B, 802, 804–828], **Tract 9704**: Block Group 1 [160A, 161A, 162A, 164–166], Block Group 2 [218A, 218B, 220, 221A, 221B], **Tract 9706**: Block Group 1 [101–125, 126A], Block Group 2 [201–210, 211B, 211C, 212–226, 227A, 228–238, 239A, 241, 242, 243A, 244A, 245A, 246–251, 252A, 253, 254A, 257–259], Block Group 3 [301C, 306B, 307B, 311A, 312, 313A, 314, 315, 321B], Block Group 4 [408B, 413], **Tract 9707**: Block Group 1 [111B, 112B, 113–118, 119B, 120B, 121B, 123, 136B, 139–141], Block Group 2 [205–207, 210–222], Block Group 3 [301–312, 313A, 314–318, 319A, 320, 321A], Block Group 4 [401B, 401C, 404B, 411A]); **SWAIN; TRANSYLVANIA** (Townships: Boyd, Brevard). |
| 30th | (1) | **BLADEN** (Townships: Hollow, White Oak); **CUMBERLAND** (Beaver Dam, Hope Mills 2); **HOKE** (Allendale, Antioch, Blue Springs, Raeford 1, 2, 3, 4, 5, Stonewall); **ROBESON; SAMPSON** (Roseboro, Lakewood). |
| 31st | (1) | **GUILFORD** (Gibsonville, Jamestown 1, 2, North Jefferson, South Jefferson, North Monroe, South Monroe, North Sumner, South Sumner, Whitsett, (GIB–G), Greensboro 3, 4, 5, 6, 7, 8, 9, 19, 25, 29, 30, 42, 44, 45, High Point 3, 5, 6, 7, 11, 12, 13, 18, 21, 22). |
| 32nd | (1) | **GUILFORD** (Friendship–2, Greensboro 1, 2, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24A, 24B, 24C, 26A, 26B, 28, 31, 32, 33, 34B, 35A, 35B, 35C, 36, 38, 40A, 40B, 41B, 43, High Point 1, 2, 4, 9, 10, 14, 15, 17, 19). |
| 33rd | (1) | **MECKLENBURG** (Long Creek 2, Charlotte Precincts: 11, 12, 13, 14, 16, 16 (part), 22, 25, 27, 31, 39, 41, 42, 50, 52, 54, 55, 56, 57, 58, 59, 73, 75, 76, 77, 87, 92, 93, 97, 98). |
| 34th | (1) | **LINCOLN** (Lowesville, Triangle); **MECKLENBURG** (Berryhill, Cornelius, Crab Orchard 2, Davidson, Huntersville, Lemly, Long Creek 1–North, Long Creek 1–South, Mallard Creek 1, 1 (part), 2, XMallard Creek–2 (noncontiguous), Oakdell, Paw Creek 1, 2, Steel Creek 1, 2, Charlotte Precincts: 4, 23, 24, 26, 40, 53, 60, 78, 79, 80, 81, 82, 89, 105). |
| 35th | (1) | **MECKLENBURG** (Clear Creek, Matthews 1, 2, 3, 4, Mint Hill 1, 2, 3, Pineville, Providence 1, 2, 3, Charlotte Precincts: 8, 19, 32, 36, 47, 48, 65, 66, 67, 68, 69, 70, 71, 72, 74, 83, 85, 86, 88, 90, 91, 93 (part), 94, 96, 100, 102). |
| 36th | (1) | **WAKE** (Bartons Creek 1, 2, Cary 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, House Creek 2, 3, 4, 5, 6, Leesville 2, Meredith, Neuse 1, 2, New Light 1, St. Marys 5, Swift Creek 1, 2, 3, 4, White Oak 1). |

| DISTRICTS (Seats) | | COUNTIES<br>Townships, Precincts, Census Tracts, Block Groups |
|---|---|---|
| 37th | (1) | **CLEVELAND** (Bethware, Boiling Springs, Casar, Grover, Holly Springs, East Kings Mountain, West Kings Mountain, Lattimore, Mooresboro–Youngs, Mulls, Pearl, Shanghai, Shelby 1, 2, 3, 5, 6, 7, Waco); **RUTHERFORD.** |
| 38th | (1) | **DAVIDSON** (Alleghany, Arcadia, Denton, Emmons, Hampton, Healing Springs, Holly Grove, Jackson Hill, Lexington 3, Liberty, Midway, Reeds, Reedy Creek, Silver Valley, Thomasville 1, 2, 3, 4, 5, 7, 9, 10, Welcome, Yadkin College); **DAVIE; FORSYTH** (Clemmonsville 2, 3); **ROWAN** (Barnhardt Mill, Bostian Crossroads, N. China Grove, Faith, Gold Knob, Granite Quarry, Morgan I, II, Rockwell, Sumner). |
| 39th | (1) | **GASTON** (Alexis, Belmont 1, 2, 3, Catawba Heights, Cramerton, High Shoals, Forest Heights, Gaston Day, South Gastonia, Lucia, Mt. Holly 1, 2, New Hope, Southpoint, Stanley 1, 2, Union); **IREDELL** (Bethany, Chambersburg, Coddle Creek 4, Concord, Davidson, Fallstown, Sharpesburg, Shiloh, Statesville 1, 2); **LINCOLN** (Denver, Iron Station, Salem, Westport). |
| 40th | (1) | **MECKLENBURG** (Crab Orchard 1, Charlotte Precincts: 1, 2, 3, 5, 6, 7, 9, 10, 15, 17, 18, 20, 21, 28, 29, 30, 33, 34, 35, 37, 38, 43, 44, 45, 46, 49, 51, 61, 62, 63, 64, 84, 95, 104.) |
| 41st | (1) | **CUMBERLAND** (Beaver Lake, Cottonade, Cross Creek 1, 2, 3, 5, 6, 13, 16, 17, 19, 24, Eastover, Morganton Road 1, 2, Spring Lake, Seventy First 1, Westarea). |
| 42nd | (1) | **BUNCOMBE** (Broad River, Fairview, Limestone 2); **CHEROKEE; CLAY; GRAHAM; HAYWOOD** (Townships: Cecil, Pigeon); **HENDERSON** (Bat Cave, South Blue Ridge, Bowmans Bluff, Crab Creek, Edneyville, Etowah, Flat Rock, Fletcher, Green River, Grimesdale, Hoopers Creek, Horse Shoe, Laurel Park, Northwest, Park Ridge, Raven Rock, Rugby, Southeast, Southwest, Valley Hill); **JACKSON** (Township: Cashiers); **MACON** (Townships: Burningtown, Cartoogechaye, Ellijay: **Tract 9706**: Block Group 2 [211A], Flats, Franklin: **Tract 9703**: Block Group 6 [606B, 607C, 609B, 612B, 612C, 612D, 613–618, 619A, 619B, 620, 621, 624–631, 632A, 632B, 633A, 633B], Block Group 8 [829–831, 832B], **Tract 9707**: Block Group 1 [101–109, 110B], Block Group 2 [201A, 201B, 201C, 202A, 202B, 202C, 202D, 203, 204, 208, 209], Highlands, Millshoal, Nantahala, Smiths Bridge, Sugar Fork: **Tract 9706**: Block Group 3 [301E, 304B, 337B, 339B, 340B, 343–369]); **POLK; TRANSYLVANIA** (Townships: Catheys Creek, Dunns Rock, Eastatoe, Gloucester, Hogback, Little River). |

# SENATE RESOLUTIONS

## SECOND SESSION 1994

Adopted May 27, 1994 (See page 48)

**S.R. 1625, A SENATE SIMPLE RESOLUTION MEMORIALIZING CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDING THE STATES THE POWER TO PROHIBIT THE PHYSICAL DESECRATION OF THE UNITED STATES FLAG.**

Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and defining other societal standards; and

Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of other citizens; and

Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are worthy of protection from desecration and dishonor; and

Whereas, the American flag is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, a nation that remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

Whereas, the law as interpreted by the United States Supreme Court no longer accords the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation–state; and

Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration of the Stars and Stripes to a proper station under law and decency;

Now, therefore, be it resolved by the Senate:

Section 1. The Senate respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

Sec. 2. The Principal Clerk of the Senate shall transmit a certified copy of this resolution to the Secretary of the United States Senate, to the Clerk of the United States House of Representatives, and to each member of the North Carolina congressional delegation.

Sec. 3. This resolution is effective upon adoption.

Adopted June 29, 1994 (See page 179)

**S.R. 1721, A SENATE SIMPLE RESOLUTION HONORING RAYMOND WALLACE GOODMAN BY NAMING HIM SHERIFF EMERITUS OF RICHMOND COUNTY.**

Whereas, Raymond Wallace Goodman has served as Sheriff of Richmond County since 1950, making him the longest serving sheriff in North Carolina's history; and

Whereas, Raymond Wallace Goodman was born in Richmond County on August 23, 1915; and

Whereas, Raymond Wallace Goodman attended the public schools in Richmond County and continued his education by taking various business and finance courses; and

Whereas, since 1941, Raymond Wallace Goodman has served as President of R.W. Goodman Co., Inc., a department store that he established; and

Whereas, Raymond Wallace Goodman served as the former Executive Vice–President of W.H. Parker Insurance Agency, Inc., and is currently serving as Executive Vice–President and Treasurer of Privett Furniture Co., Inc., as Chair of the Board and Treasurer of Richmond Yarns, Inc., and as Emeritus Director of United Carolina Bank; and

Whereas, Raymond Wallace Goodman's civic activities include serving as the first President of and as a member of the Rockingham Lions Club, which was organized in February of 1949, as Chair of the Fund–Raising Committee of the Richmond Memorial Hospital, wherein $1,000,000 in funds were raised, and as Past President of the Rockingham Merchants Association and the Rockingham Chamber of Commerce; and

Whereas, Raymond Wallace Goodman served on the North Carolina Economic Development Board from 1977 to 1984; and

Whereas, Raymond Wallace Goodman is a member of the North Carolina Sheriffs' Association; and

Whereas, Raymond Wallace Goodman received an Honorary Degree from Richmond Community College; and

Whereas, Raymond Wallace Goodman is a member of the First Baptist Church of Rockingham; and

Whereas, Raymond Wallace Goodman received an Honorable Discharge from the United States Navy in 1937; and

Whereas, Raymond Wallace Goodman is married to Alice S. Goodman and has four children, Raymond W. Goodman, Jr., John W. Goodman, Kenneth L. Goodman, and Janice Goodman Coen; and

Whereas, Raymond Wallace Goodman should be recognized for his dedicated service to law enforcement as Sheriff of Richmond County for 44 years;

Now, therefore, be it resolved by the Senate:

Section 1. The Senate wishes to honor Raymond Wallace Goodman for his faithful and diligent service as Sheriff of Richmond County by naming him Sheriff Emeritus of Richmond County. The Senate applauds Raymond Wallace Goodman for his dedication to law enforcement.

Sec. 2. The Principal Clerk shall transmit a copy of this resolution to Raymond Wallace Goodman.

Sec. 3. This resolution is effective upon adoption.

# EXECUTIVE ORDERS of the GOVERNOR OF THE STATE OF NORTH CAROLINA

In compliance with G.S. 150A (Art. 5) and Chapter 479 (S.B. 1 [Sec. 152]) of the 1985 Session Laws, the Office of the Governor of the State of North Carolina has filed with the Senate Principal Clerk a copy of all Executive Orders issued following adjournment *sine die* of the Extraordinary Session of the 1993 General Assembly on March 26, 1994, and upon convening of the 1993 General Assembly, Second Session 1994 through adjournment *sine die*, July 17, 1994, as summarized below.

The full text of Executive Orders 41 through 53 issued by Governor James B. Hunt, Jr., can be found in the *Session Laws of the 1993 General Assembly*, Second Session 1994.

| Executive Order | Title | Date of Issuance |
|---|---|---|

41 **Extending the Governor's Commission on Reduction of Infant Mortality** April 12, 1994

**Extends:** until June 30, 1995, Commission as established by previous administration Executive Order Number 99, extended by Number 185. **Effective:** immediately.

42 **Rescission of Previous Administration Executive Orders** April 12, 1994

As title indicates, **rescinds the following:**

36, Governor's Advisory Committee on Agricultural Parks;

78, Governor's Task Force on Injury Prevention, as extended by Number 185;

110, Advisory Council on International Trade;

136, North Carolina Advisory Council on Telecommunications in Education, as extended by Number 185;

143, North Carolina Advisory Council on Vocational and Applied Technology Education, as extended by Number 185;

153, North Carolina 2000 Steering Committee, as extended by Number 185;

156, North Carolina Committee on Literacy and Basic Skills, as extended by Number 185;

161, Advisory Council on International Trade;

Memorandum of Agreement Concerning the Establishment of the De Soto Trail Commission, dated April 13, 1988.

**Effective:** immediately.

43 **North Carolina State Health Coordinating Council** April 15, 1994

**Establishes** Council of 27 members appointed by the Governor who designates Chair and Vice Chair from membership for two–year terms. **Terms:** Eight of initial appointments for one–year, eight for two–years and nine for three–years ending December 31. Subsequent terms for three–years beginning January 1. **Duties:** Serve

as forum for regional concerns relating to health planning; advise Department of Human Resources on health needs, locally, regionally, and statewide and cost–effective means for achieving needs; review documentation and make recommendations to Secretary of Human Resources and Governor; and prepare an Annual State Medical Facilities Plan for the Governor. **Expenses:** travel and subsistence in accordance with G.S. 138–5. **Meetings:** at least quarterly, and upon call of Chairman or written request of at least ten members. **Rescinds:** previous administration Orders 51, 93 and 185. **Effective:** immediately.

44 **North Carolina Commission on Business Laws and the Economy** April 19, 1994

**Establishes** Commission of 23 members appointed by and serving at the pleasure of the Governor. **Chairman:** Attorney General. **Duties:** Recommend any needed new statutes or changes in existing statutes affecting operation of businesses. **Meetings:** at least quarterly and any time at call of Chair. **Report:** to the 1995 Session and annually thereafter. **Expenses:** Members representing State agencies shall be paid by respective agencies pursuant to G.S. 138–5. Other members receive no per diem or expenses. **Staff:** provided by the Attorney General. The Commission may accept grants, gifts, bequests, as well as funds from each State agency cooperating in order to carry out its tasks. **Effective:** immediately.

45 **Governor's Initiative to Strengthen North Carolina Historically Black Colleges and Universities** April 20, 1994

**Establishes** an Advisory Council of 12 members appointed by the Governor for staggered four–year terms. **Staff** provided by the Office of the Special Assistant to the Governor. **Procedures:** Designated agencies shall enter into contracts, grants, or cooperative agreements with HBCUS. Annual goals for financial assistance to HBCUS shall be set and met. Designated agencies shall: designate a senior official to serve as liaison to Council; develop and document an annual plan to increase participation in State and federally sponsored programs; examine ways of assuring equity and fairness of financial opportunities. Council's annual report to Governor shall relate progress and include findings and recommendations of Annual Performance Reports; how to increase private sector role; enhance infrastructure and use of new technology. The Special Assistant shall consult with State Personnel Director and Governor's Director of Personnel to improve recruitment of students of HBCUS in part–time, temporary, intern, and permanent positions in State government. **Rescinds** previous administration Executive Order Number 24. **Effective:** immediately.

46 **Commission on Substance Abuse Treatment and Prevention** April 27, 1994

**Establishes** Commission of 20 members appointed by and serving at the pleasure of the Governor for staggered four–year terms. Governor designates Chairman. **Establishes** Office of Substance Abuse Policy ("Office"). Commission and Office shall be housed in the Department of Administration with oversight from Governor's Policy Office. **Duties:** Review and recommend changes in existing substance abuse laws, and coordination of state/local resources; encourage cooperation in public and private sector; conduct public hearings; increase public awareness of substance abuse problems, identify needs for intervention and treatment. **Staff:** Office shall hire necessary staff. **Expenses:** travel and subsistence. **Funding:** Governor's discretionary funds and agencies primarily responsible for drug and alcohol issues. **Reports:** Agencies

receiving state and federal substance abuse funds shall report semi–annually to the Office and Office of State Budget and Management program and fiscal information. The Commission and Office shall report to the Governor. **Rescinds** previous administration Executive Orders 23, 64, and 132. **Effective:** April 27, 1994.

47 **Board of Education for the Schools for the Deaf** May 10, 1994

**Establishes** Board of 12 members appointed by the Governor for staggered four–year terms. Chairman designated by the Secretary of Department of Human Resources for two–year term. **Meetings:** Quarterly and at other times at call of Chairman. **Expenses:** travel and subsistence from DHR in accordance with G.S. 138–5. **Staff** provided by DHR. **Duties:** evaluate curriculum, facilities, and budgetary matters; work to ensure equal access to education for all deaf children; review development of goal of quality 24–hour educational, vocational, and residential programs and methods to achieve goal; interface with Council for the Deaf and Hard of Hearing. **Effective:** immediately and terminating in four years unless extended by further executive order.

48 **Concerning the State Commission on National and Community Service** May 12, 1994

**Establishes** Commission of 15 to 25 members appointed by the Governor for staggered three–year terms. Not more than 50% plus one may be from the same political party and membership shall be diverse in race, ethnicity, age, disability, and gender. Not more than 25% of voting membership from State government though agency representatives may sit as ex officio, non–voting members. **Officers:** Chair and Vice–Chair shall be elected by members for one–year terms. Chair shall preside over Commission, appoint all committee chairs, and sit as ex officio on all committees. Vice–Chair shall assist Chair and, in absence of the Chair, perform duties of the Chair. **Standing Committees:** Chairman appoints committee members (except Youth Voice) in consultation with committee chairs to the following: Volunteer Recognition; Evaluation; Community Collaboration; Resource Development; Training; and Service Learning. Youth Voice shall consist of 24 members between the ages of 12 and 25 from 12 regions of the State being diverse in gender, race, ethnicity, geographic location, physical ability, economic and educational background. Responsibilities shall include developing policies and programs to reach youth statewide to strengthen community service programs and to bring the perspective of young people to the Commission. Members shall be named by peer selection for initial terms and by Regional Councils for successive terms. The Committee on Youth Voice shall recommend four members to the Governor to serve on the Commission. **Rescinds** and replaces Executive Order Number 31. **Meetings:** Commission shall meet at least quarterly. Failure to attend at least 75% of meetings in a calendar year results in removal. **Duties:** Ensure funding meets federal and state requirements; recommend programs to increase participation; develop a centralized system of information and support of programs statewide; promote interagency collaboration; provide public recognition of efforts and awareness of impact; prepare a national three–year service plan, financial assistance applications, State application for approval of service; develop a system for recruitment and placement of participants in programs that receive assistance; administer State's grant program; and serve as liaison to national and state organizations which support its mission. **Staff and Expenses:** Governor's Office of Citizen Affairs shall provide staff. Funds and services may be received from state and federal entities. No per diem. Travel and subsistence in accordance with State law. **Effective:** immediately.

49 **Fiscal Notes on Administrative Rules Affecting Local Governments** May 17, 1994

**Purpose:** Governor's Office shall implement a process ensuring any rule submitted for review includes a fiscal note on effects. OAH shall revise forms to better reflect fiscal effect of proposed rules. Each department shall designate a staff member to screen proposed rules before publication in the *Register* for accurate fiscal notes and ensure that the Association of County Commissioners and League of Municipalities have received copies of these fiscal notes prior to publication. Each department shall consult with the Association of County Commissioners and the League of Municipalities to determine local governments and agencies affected by proposed rules and consult with the appropriate local government as soon as possible when determined that a rule could affect the expenditures or revenues of that unit of local government. A copy of each fiscal note and a schedule of proposed administrative rules and amendments shall be sent to the Office of State Budget and Management. Effective dates on rules shall be conformed to July 1 of the fiscal year following publication of the *Register* but not less than six months following publication. However, if conditions exist to require a date other than July 1, the fiscal note shall contain a statement explaining the deviation. The Office of State Budget and Management shall compile an annual summary of projected fiscal impact on local governments; a schedule of anticipated rule actions for the upcoming fiscal year to be provided to the Governor, the Association of County Commissioners, and the League of Municipalities no later than March 1. **Rescinds:** Executive Orders or portions of Orders inconsistent with this Order. **Effective:** immediately.

50 **North Carolina Sports Development Commission** June 1, 1994

**Establishes** Commission of 20 members appointed by and at the pleasure of the Governor for four–year terms. Governor designates Chair. Commission may elect other officers it deems necessary. **Meetings:** at least quarterly. **Staff and Records:** Sports Development Office shall provide staff, and a member of the Office shall serve as Administrator. Permanent records shall be maintained by the Office and shall be the responsibility of the Administrator. **Expenses:** travel and subsistence in accordance with G.S. 138–5. **Duties:** assist Sports Development Office in planning, attracting, promoting, and developing future goals for sporting activities; act as spokesperson for the State; assist in creating and updating directory of events, facilities, and bid deadlines for events held in our State. **Report:** Annually to Governor. **Rescinds:** Previous Administration Orders 109 and 161. **Effective:** immediately.

51 **North Carolina Film Council** June 10, 1994

**Establishes** Commission of 25 members appointed by the Governor with eight serving one year, eight serving two years, and nine serving three years. Successive terms are three years. Chair and Vice Chair appointed by Governor for two years. **Duties:** Advise on film–making activities in, and matters that would enhance the film industry to choose the State; compile database of potential sites for filmmaking; develop financial capability to support, and a manual for local governments detailing support to facilitate filmmaking in communities; and assist in recruitment. **Report:** annually on economic impact of, and recommendations to increase activity of filmmaking in the State. **Meetings:** at least three times annually. **Staff:** provided by Department of Commerce. **Effective:** immediately.

52 **Amending Executive Order Number 9 Concerning the Commission for a Competitive North Carolina** June 10, 1994

**Rescinds** Executive Order Number 40 which expanded membership to forty–five. **Members:** amends Section 2 of Executive Order Number 9 to expand membership to fifty–five members from the private sector, nonprofit sector, local government, and North Carolina General Assembly. **Effective:** immediately.

53 **North Carolina Interagency Council for Coordinating Homeless Programs** June 20, 1994

**Establishes** Interagency Council 23 members appointed by the Governor with eleven serving two years and eleven serving three years. Successive terms shall be two years. Deputy Secretary of Department of Human Resources serves as Chair. **Duties:** advise Governor and Secretary of Human Resources on problems of homeless and those at risk of becoming homeless; identify resources to assist; recommend programs to meet needs of homeless; set short–term and long–term goals and priorities. **Staff:** provided by Office of Economic Opportunity, Department of Human Resources. **Effective:** immediately.

# 1993 GENERAL ASSEMBLY REPORTS RECEIVED SINCE ADJOURNMENT *SINE DIE* OF THE SECOND SESSION OF THE 1991 GENERAL ASSEMBLY

BOARDS, COMMMISSIONS, AND AGENCIES DIRECTED TO REPORT TO THE GENERAL ASSEMBLY HAVE SUBMITTED THE FOLLOWING:

| AUTHORITY | TITLE | DIRECTED TO REPORT | RECEIVED |
|---|---|---|---|
| Ch. 689, Sec. 107(f) 1991 Session Laws | Department of Public Instruction, "Willie M." Expenditures | Quarterly | 6/22/92 |
| Ch. 689, Sec. 216 1991 Session Laws | Department of Human Resources, Improvements in Child Protective Services Revised Report | 3/15/92 | 8/4/92 |
| G.S. 143B–437A(c) | Department of Economic and Community Development, Industrial Development Fund Quarterly Report | Quarterly | 8/24/92 |
| Ch. 689, Sec. 154 1991 Session Laws | Department of Economic and Community Development,Employment and Training Grant Program | Quarterly | 9/8/92 |
| Ch. 689, Sec. 154 1991 Session Laws | Department of Economic and Community Development, Employment and Training Grant Program | Quarterly | 11/30/92 |
| G.S. 105–255 | Department of Revenue, Comparative Statement of Net Collections for December 1992 and 1991 | | 1/28/93 |
| Ch. 1030, Sec. 51.16 1991 Session Laws | General Statutes Commission | by 1/31/93 | 2/1/93 |
| Ch. 689, Sec. 30 1991 Session Laws | Computer Services Study Commission Report | Upon Convening 1993 Session | 2/10/93 |
| G.S. 115C–238.7(b)(4) | Department of Public Instruction, School Site–Based Management Report | Upon Convening 1993 Session | 2/19/93 |
| G.S. 105–255 | Department of Revenue, Comparative Statement of Net Collections for January 1993 and 1992 | | 2/22/93 |
| Ch. 689, Sec. 208 1991 Session Laws | Department of Transportation, Biennial Report on Off–Premise Sign Regulatory Program | Biennial | 2/23/93 |
| G.S. 164–43 | North Carolina Sentencing and Policy Advisory Commission Final Report | 30 days after Convening 1993 Session | 2/23/93 |
| G.S. 143B–181.9A | Department of Human Resources, Advisory Committee on Home and Community Care Third Progress Report | 3/1/93 | 3/1/93 |
| Ch. 1044, Sec. 6.3 1991 Session Laws | Office of State Budget and Management, Reserve for Implementation of OSHA Regulations Regarding Bloodborne Pathogens | by 3/1/93 | 3/1/93 |

**1993 GENERAL ASSEMBLY REPORTS (Continued)**

| AUTHORITY | TITLE | DIRECTED TO REPORT | RECEIVED |
|---|---|---|---|
| Ch. 900, Sec. 136 1991 Session Laws | Department of Human Resources, Division of Mental Health, Developmental Disabilities and Substance Abuse Services, Summary Report of Expansion Funds | by 3/1/93 | 3/4/93 |
| Ch. 900, Sec. 135 1991 Session Laws | Department of Human Resources, A Plan to Address the Escalating Use and Costs of Community Intermediate Care Facilities for the Mentally Retarded/ Developmentally Disabled | by 3/1/93 | 3/11/93<br>3/15/93 |
| G.S. 130A–310.10 | Department of Environment, Health, and Natural Resources, Inactive Hazardous Waste Annual Report | Annually | 3/15/93 |
| G.S. 113A–35.1 | Department of Environment, Health, and Natural Resources, 1992 Annual Status Report on Progress in Protecting the New River State River | Annually by 1/15 | 3/15/93 |
| Ch. 1044, Sec. 11 1991 Session Laws | Department of Administration, State Veterans Home Study | by 4/1/93 | 3/23/93 |
| G.S. 105–255 | Department of Revenue, Comparative Statement of Net Collections for February 1993 and 1992 | | 3/25/93 |
| Ch. 900, Sec. 139(a) Session Laws | Department of Human Resources, Division of Social Services, Child Protective Services Management Study | by 3/1/93 | 4/7/931991 |
| G.S. 131D–3 and G.S. 131D–4 | Department of Human Resources, Annual Cost and Revenue Report for Domiciliary Care Facilities | Annually | 4/12/93 |
| Ch. 1010, Sec. 2 1991 Session Laws | General Statutes Commission, Interim Report on Statutory Lien Rights of Contractors and Subcontractors | 1993 Session | 4/19/93 |
| Ch. 900, Sec. 143 1991 Session Laws | Department of Human Resources, Medicaid Physician Participation Report | | 4/21/93 |
| Ch. 900, Sec. 139 1991 Session Laws | Department of Human Resources, Report on The Functioning of Community Child Protection Teams | | 4/22/93 |
| G.S. 105–255 | Department of Revenue, Comparative Statement of Net Collections for March 1993 and 1992 | | 4/26/93 |
| Ch. 575, Sec. 2 1991 Session Laws | Administrative Office of the Courts, Report on Pilot Program for Providing Indigent Defense through Contracts for Specialized Representation | | 4/26/93 |
| G.S. 143B–433.3(b) | Department of Commerce, Housing Coordination and Policy Council | Annually | 5/3/93 |

**1993 GENERAL ASSEMBLY REPORTS (Continued)**

| AUTHORITY | TITLE | DIRECTED TO REPORT | RECEIVED |
|---|---|---|---|
| Ch. 689, Sec. 107 1991 Session Laws | Department of Public Instruction, "Willie M." Report for 1992 | Annually | 5/3/93 |
| Ch. 900, Sec. 135 1991 Session Laws | Department of Human Resources, Companion Report toPlan on the Escalating Use and Costs of Community Intermediate Care Facilites for the Mentally Retarded/ Developmentally Disabled dated March 1, 1993 | by 3/1/93 | 5/10/93 5/11/93 |
| Ch. 919, 1991 Session Laws | Judicial Branch of Government's Equal Employment Opportunity Program Report | by 6/1 | 6/9/93 |
| G.S. 105–255 | Department of Revenue, Comparative Statement of Net Collections for January 1994 and 1993 | | 2/28/94 |
| Ch. 321, Sec. 23 1993 Session Laws | Office of State Budget and Management, "Reserve for Implementation of OSHA Regulations Regarding Bloodborne Pathogens and the Five–Year Plan" | by 4/1/94 | 4/4/94 |
| Ch. 321, Sec. 10, 1993 Session Laws | Office of State Budget and Management, Notification of Personnel Change | | 4/6/94 |
| Ch. 561, Sec. 76, 1993 Session Laws | Department of Administration, Policy Concerning Correction Enterprises | | 4/11/94 |
| Ch. 321, Sec. 240, 1993 Session Laws | Department of Human Resources, "Plan for Vendor Payment Methodology for Domiciliary Care Facilities" | by 3/94 | 4/13/94 |
| Ch. 24, 1993 Session Laws Extra Session 1994 | Department of Administration, Notification of Intent to Exercise the Waiver of Statues to Expedite the Delivery of Prison Facilities. | | 4/13/94 |
| Ch. 321, Sec. 200 1993 Session Laws | Administrative Office of the Courts, "Report of the North Carolina Supreme Court Dispute Resolution Committee..." | by 4/15/94 | 4/18/94 |
| Ch. 321, Sec. 200 1993 Session Laws | Administrative Office of the Courts, "North Carolina Dispute Settlement Centers: An Evaluation of Effectiveness and the Need for Expansion" | by 4/15/94 | 4/18/94 |
| Ch. 388, 1993 Session Laws | Governor's Task Force for Implementation of the Comprehensive Compensation System | by 3/1/94 | 4/22/94 |
| G.S. 131D–3; G.S. 131D–4 | Department of Human Resources, Annual Cost and Revenue Report for Domiciliary Care Facilities for January – December 1993 | Annually | 4/27/94 |
| Ch. 321, Sec. 227 1993 Session Laws | Department of Human Resources, Request for Extension of Implementation of DRG Hospital Reimbursement System until October 1, 1994 | Implement by 7/1/94 | 4/28/94 |
| Ch. 321, Sec. 227 1993 Session Laws | Department of Human Resources, Feasibility of Implementing Selective Contracting for Inpatient Hospital Services for Medicaid Clients | by 3/15/94 | 4/28/94 |

**1993 GENERAL ASSEMBLY REPORTS (Continued)**

| AUTHORITY | TITLE | DIRECTED TO REPORT | RECEIVED |
|---|---|---|---|
| Ch. 321, Sec. 219<br>1993 Session Laws | Department of Human Resources, *Cassell, et al. v. Britt, et al* Activities and Expenditures | by 5/1 Annually | 5/2/94 |
| Ch. 321, Sec. 284<br>1993 Session Laws | Governor's Commission on Reduction of Infant Mortality, Request for Extension until July 15, 1994 | by 5/15/94 | 5/2/94 |
| Ch. 357<br>1993 Session Laws | Department of Human Resources, Provision of Medical and Mental Health Evaluations for Children Suspected of Being Abused and Neglected | by 3/15/94 | 5/5/94 |
| Ch. 321,<br>1993 Session Laws | System of Community Colleges, Various Mandated Reports | by 5/1/94 | 5/10/94 |
| Ch. 535<br>1993 Session Laws | Sentencing and Policy Advisory Commission | 1994 Session | 5/20/94 |
| Ch. 24, Sec. 13<br>1993 Session Laws<br>Extra Session 1994 | Department of the Secretary of State, Criminal Justice Information Network Interim Report | by 5/15/94 | 5/20/94 |
| Ch. 1010, Sec. 2<br>1991 Session Laws | General Statutes Commission, Statutory Lien Rights of Contractors and Subcontractors and Payment and Performance Bonds | 1993 Session | 5/24/94 |
| | Governor's Office, North Carolina Information Highway Project | | 5/24/94 |
| | Department of Revenue, Office of the State Controller, Office of State Budget and Management, *North Carolina Summary of Financial Condition, April 30, 1994* | | 5/31/94 |
| Ch. 919,<br>1991 Session Laws | Office of State Personnel, "The 1993 Equal Employment Opportunity (EEO) Status Report" | by 6/1 Annually | 6/16/94 |
| G.S. 143B–152.10 | Department of Human Resources, Division of Family Development, Progress Report on the Family Resource Center Grant Program. | by 5/15/94 | 6/17/94 |
| | Department of Revenue, Office of the State Controller, Office of State Budget and Management, *North Carolina Summary of Financial Condition, May 31, 1994* | | 6/21/94 |
| Ch. 24, Sec. 23<br>1993 Session Laws<br>Extra Session 1994 | Department of Correction, Study of Probation/ Parole Diversion | 1994 Session | 6/23/94 |
| Ch. 24, Sec. 17(2)b<br>1993 Session Laws<br>Extra Session 1994 | Department of Correction, Study of Housing of Certain Felons Outside the State of North Carolina | 1994 Session | 6/23/94 |
| Ch. 24, Sec. 22(a)<br>1993 Session Laws<br>Extra Session 1994 | Department of Correction, Department of Human Resources, Joint Plan/Reserve for Substance Abuse Treatment Pilot Programs for Parolees and Probationers | by 5/15/94 | 6/23/94 |

**1993 GENERAL ASSEMBLY REPORTS (Continued)**

| AUTHORITY | TITLE | DIRECTED TO REPORT | RECEIVED |
|---|---|---|---|
| Ch. 24, Sec. 18<br>1993 Session Laws<br>Extra Session 1994 | Department of Correction, Plan for Use of Funds for 500 Private Contractual Drug/Alcohol Treatment Center Beds | by 5/15/94 | 6/23/94 |
| Ch. 24, Sec. 30<br>1993 Session Laws<br>Extra Session 1994 | Department of Human Resources, Support Our Students Progress Report | by 5/15/94 | 7/6/94 |

**REPORTS RECEIVED DIRECTED TO OTHER AGENCIES**

| | | | |
|---|---|---|---|
| Ch. 689, Sec. 146<br>1991 Session Laws | Department of Economic and , Community Development North Carolina Manufacturing Directory Proceeds | Quarterly to Governmental Operations and Fiscal Research | 8/24/92 |
| Ch. 689, Sec. 239(h)<br>1991 Session Laws | Department of Human Resources, Division of Youth Services, Prison Bond Quarterly Report Ending June 30, 1992 | Quarterly to Governmental Operations, Fiscal Research, Senate/House Appropriations | 8/31/92<br>1/22/93 |
| Ch. 689, Sec. 126<br>1991 Session Laws | Department of Human Resources, Community Action Program Funds Report | Annually to Governmental Operations and Senate/House Appropriations | 10/2/92 |
| Ch. 689, Sec. 221.3<br>1991 Session Laws | *Cassell, et al. v. Flaherty, et al.* 1st Quarterly Report SFY 1993 | Quarterly to Governmental Operations and Fiscal Research | 10/27/92 |
| Ch. 904,<br>1991 Session Laws | Department of Human Resources, Drop–In and Short–Term Child Care Arrangements | Child Care Issues/LRC | 11/4/92 |
| Ch. 900, Sec. 145<br>1991 Session Laws | Department of Human Resources, Division of Social Services, Adolescent Parenting Program | Senate/House Appropriations | 1/8/93 |
| Ch. 689, Sec. 239(h)<br>1991 Session Laws | Department of Human Resources, Division of Youth Services, Prison Bond Quarterly Report Ending December 31, 1992 | Quarterly to Governmental Operations, Fiscal Research, Senate/House Appropriations | 1/22/93 |
| Ch. 900, Sec. 105<br>1991 Session Laws | Department of Transportation, Report on Substandard Bridges | Senate/House Transportation | 2/9/93 |
| Ch. 689, Sec. 221.3<br>1991 Session Laws | *Cassell, et al. v. Flaherty, et al.* 2nd Quarterly Report SFY 1993 | Quarterly to Governmental Operations and Fiscal Research | 2/22/93 |

**1993 GENERAL ASSEMBLY REPORTS (Continued)**

| AUTHORITY | TITLE | DIRECTED TO REPORT | RECEIVED |
|---|---|---|---|
| G.S. 143–250 | North Carolina Wildlife Commission Report of Expenditures from Wildlife Resources Fund | Governmental Operations | 5/10/93 |
| Ch. 689, Sec. 221.3 1991 Session Laws | *Cassell, et al. v. Flaherty, et al.* 2nd Annual Report of Activities and Expenditures under the consent judgment | Annually by 5/1 to Governmental Operations and Fiscal Research | 5/24/93 |
| Ch. 689, Sec. 71 1991 Session Laws | Department of Crime Control and Public Safety, Use of Community Service Workers in State Parks | Quarterly to Governmental Operations; Fiscal Research | 4/19/94 |
| Ch. 1044, Sec. 55 1991 Session Laws; Ch. 561, Sec. 107, 1993 Session Laws | Department of Environment, Health, and Natural Resources, Use of Funds for Water Resources. Development Projects | Quarterly to Governmental Operations; Fiscal Research; Budget and Mgmt | 4/26/94 |
| Ch. 542, 1993 Session Laws | System of Community Colleges, Expenditures from the Community College Bonds Fund | Quarterly to Governmental Operations; Senate/House Appropriations; Fiscal Research | 5/11/94 |
| Ch. 24, Sec. 29(b) 1993 Session Laws Extra Session 1994 | Department of Crime Control and Public Safety, North Carolina's Crime Stoppers Programs | by 5/15/94 to Governmental Operations; Senate/House Appropriations; Justice and Public Safety | 5/13/94 |
| G.S. 115C–238.15(d) | Department of Public Instruction, "Outcome–Based Education" Report | Governmental Operations | 6/23/94 |
| Ch. 59, 1993 Session Laws | Department of Correction, Implementation and Operation of the Napoleon Hill Positive Mental Attitude Program | May 1994 to Governmental Operations; General Research; Fiscal Research | 6/23/94 |
| Ch. 24, Sec. 21 1993 Session Laws Extra Session 1994 | Department of Correction, Plans for a Work Camp Pilot Program | by 5/15/94 to Governmental Operations | 6/23/94 |
| Ch. 24, Sec. 27 1993 Session Laws Extra Session 1994 | Department of Correction, Study of Bunking of Inmates in Shifts | by 5/15/94 to Governmental Operations; Senate/House Appropriations; Justice and Public Safety | 6/23/94 |

**1993 GENERAL ASSEMBLY REPORTS (Continued)**

| AUTHORITY | TITLE | DIRECTED TO REPORT | RECEIVED |
|---|---|---|---|
| Ch. 24, Sec. 25 1993 Session Laws Extra Session 1994 | Department of Correction, Study of Probation/Parole Paperwork Reduction | by 5/15/94 to Governmental Operations; Senate/House Appropriations; Justice and Public Safety | 6/23/94 |
| Ch. 24, Sec. 26 1993 Session Laws Extra Session 1994 | Department of Correction, Study of Prison Enterprise and Prison Canteen Funds | by 5/15/94 to Governmental Operations; Senate/House Appropriations; Justice and Public Safety | 6/23/94 |
| Ch. 321, Sec. 176 1993 Session Laws | Department of Correction, Report on Solicitation of Bids for Private Contractual Drug/Alcohol Treatment Center Beds | by 4/15/94 to Governmental Operations; Fiscal Research; Senate/House Appropriations; Justice and Public Safety | 6/23/94 |

**THE LEGISLATIVE LIBRARY HAS ANNOUNCED THAT THE FOLLOWING REPORTS ARE ON FILE IN LIMITED NUMBERS.**

| AUTHORITY | TITLE | DIRECTED TO REPORT | NOTIFIED |
|---|---|---|---|
| Ch. 754, Part XVI 1991 Session Laws | Mountain Area Study Commission | 1993 Session | 1/28/93 |
| Ch. 754, Sec. 4.4 1991 Session Laws | State Personnel Commission Final Report | 1993 Session | 1/28/93 |
| G.S. 120–64 | Children With Special Needs Commission | 1993 Session | 1/28/93 |
| | **LEGISLATIVE RESEARCH COMMISSION REPORTS** | | |
| G.S. 120–30.17(1) | Alternative Medical Practices/LRC Final Report | 1993 Session | 1/28/93 |
| G.S. 120–30.17(1) | Cancer Control/LRC Final Report | 1993 Session | 1/28/93 |
| G.S. 120–30.17(1) | Chiropractic College/LRC Final Report | 1993 Session | 1/28/93 |
| G.S. 120–30.17(1) | Criminal Case Disposition/LRC Final Report | 1993 Session | 1/28/93 |
| Ch. 754, Sec. 2.1(40); 2.1(59) 1991 Session Laws | Emergency Management Issues/LRC Final Report | 1993 Session | 1/28/93 |
| G.S. 120–30.17(1) | Fire and Occupational Safety at Commercial and Industrial Facilities/LRC | 1993 Session | 1/28/93 |

**1993 GENERAL ASSEMBLY REPORTS (Continued)**

| AUTHORITY | TITLE | DIRECTED TO REPORT | NOTIFIED |
|---|---|---|---|
| Ch. 754, Sec. 2.1 1991 Session Laws | Law Enforcement Issues/LRC Final Report | 1993 Session | 1/28/93 |
| Ch. 754, Sec. 2.1(54) 1991 Session Laws | Motor Vehicle Towing and Storage/LRC Final Report | 1993 Session | 1/28/93 |
| Ch. 754, Sec. 2.1(50) 1991 Session Laws | Physical Fitness Among North Carolina Youth/LRC Final Report | 1993 Session | 1/28/93 |
| Ch. 754, Sec. 2.1(11); 2.1(63) 1991 Session Laws | Public Health Systems Issues/LRC Final Report | 1993 Session | 1/28/93 |
| Ch. 754, Sec. 2.1(17) 1991 Session Laws | Railroads and Other Public Transportation/ LRC | 1993 Session | 1/28/93 |
| Ch. 754, Sec. 4 1991 Session Laws | State Parks and Recreation Areas/LRC Final Report | 1993 Session | 1/28/93 |
| Ch. 754, Sec. 2.1(38) 1991 Session Laws | Statewide Comprehensive Planning Committee/LRC Final Report | 1993 Session | 1/28/93 |
| G.S. 120–30.17(1) | Students at Risk/LRC Final Report | 1993 Session | 1/28/93 |
| Ch. 754, Sec. 2.1(3); 2.1(49) 1991 Session Laws | Water Issues/LRC Final Report | 1993 Session | 1/28/93 |
| Ch. 754, Sec. 2.2 1991 Session Laws | Child Day Care Issues/LRC Final Report | 1993 Session | 2/1/93 |
| Ch. 754, Sec. 2.1 1991 Session Laws | Alternative Approaches to Deal with Discrimination in Employment/LRC Final Report | 1993 Session | 2/1/93 |
| Ch. 754, Sec. 2.1(29) 1991 Session Laws | Ways to Promote the Conservation of Energy and the Use of Renewable Energy Sources in Residential, Commercial, Industrial, and Public Facilities/LRC Final Report | 1993 Session | 2/1/93 |
| Ch. 754, Sec. 2.5 and 2.6 1991 Session Laws | Governmental Ethics and Lobbying/LRC Final Report | 1993 Session | 2/1/93 |
| Ch. 754, Sec. 2.4; Ch. 900, Sec. 22 1991 Session Laws | North Carolina Indian Cultural Center/ LRC Final Report | 1993 Session | 2/1/93 |
| Ch. 754, Sec. 2.1(23) 1991 Session Laws | The Use of Prison Inmates/LRC Report | 1993 Session | 2/1/93 |
| Ch. 754, Sec. 2.1(1) 1991 Session Laws | Revenue Laws Study Committee/LRC Final Report | 1993 Session | 2/1/93 |
| Ch. 754, Sec. 2.1(30) 1991 Session Laws | The Rights of Victims of Crimes/LRC Final Report | 1993 Session | 2/1/93 |
| Ch. 754, Sec. 2.1(27); 2.1(51); 2.1(52); Ch. 621, Sec. 13 1991 Session Laws | Solid Waste Control and Disposal Issues/LRC Final Report | 1993 Session | 2/1/93 |

# APPOINTMENTS

## SHARED BY THE LIEUTENANT GOVERNOR AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The following appointments to Boards, Commissions and Committees were made during 1993 and 1994 by the President of the Senate, the Honorable Dennis A. Wicker, Lieutenant Governor, and the Honorable Daniel T. Blue, Jr., Speaker of the House of Representatives (confirmed by documents on file).

Chapters 302, 405, 563, 773, and 774 of the 1993 Session Laws, were enacted in compliance with G.S. 120–121 which outlines the procedure for legislative appointments. Vacancies occurring in legislative appointments are addressed in G.S. 120–122.

Appointments prior to 1993 were made by a former Lieutenant Governor and prior to 1991 by a former Speaker but remain in effect.

| | | Appointed | Expires |
|---|---|---|---|
| **AGING, GOVERNORS ADVISORY COUNCIL** | | Term–four years/staggered | |
| G.S. 143B–181 | | | |
| (Lt. Gov.) | Mrs. Pocahontas S. White* | 7/1/94 | 6/30/98 |
| | Ms. Clara S. Simon* **(Resigned)** | 7/1/91 | 6/30/95 |
| | Rev. Richard R. Blankenhorn* [UT—Simon*] | 9/25/92 | 6/30/95 |
| (Speaker) | Mr. Grady Galloway* | 10/7/92 | 6/30/96 |
| | Dr. John R. Kernodle* | 6/21/94 | 6/30/98 |
| **AGRICULTURAL FINANCE AUTHORITY, NORTH CAROLINA** | | | |
| G.S. 122D–4 | | Term–three years | |
| (Lt. Gov.) | Mr. Carlyle B. Ferguson* | 7/22/92 | 6/30/95 |
| | Mr. John C. Howard* | | |
| | Mr. Joseph D. Teachey, Jr.* | | |
| (Speaker) | Mr. Johnnie Evans* | 10/6/92 | 6/30/95 |
| | Ms. Trudy Early* | 8/3/92 | 6/30/95 |
| | Mr. Fincher Martin* | 8/3/92 | 6/30/95 |
| **AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION** | | | |
| G.S. 120–150—see Ch. 23, 1993 S.L. (S.B. 37) | | Term–two years | |
| (Lt. Gov.) | Senator James D. Speed | 10/1/93 | 9/30/95 |
| | Mr. Prince Earl Smith* | | |
| | Senator Elaine F. Marshall | 10/6/93 | 9/30/95 |
| (Speaker) | Rep. Edith L. Lutz | 10/7/93 | 9/30/95 |
| | Rep. William L. Wainwright | | |
| | Rep. Josephus L. Mavretic | | |
| (Statutory) | | | |
| | (Chairman—Senate Agriculture Committee) Senator Charles W. Albertson | | |
| | (Chairman—House Agriculture Committee) Representative Vernon James | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| Lieutenant Governor/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **ALARM SYSTEMS LICENSING BOARD** | | | Term–three years |
| G.S. 74D–4 | | | |
| (Lt. Gov.) | Hon. Daniel J. Good* **(Resigned)** | 7/27/92 | 6/30/95 |
| | Mr. Thomas A. Ballus* **[UT—**Good*]**(Resigned)** | 12/1/92 | 6/30/95 |
| | Mr. Guy John Phillips* **[UT—**Ballus*]** | 4/4/94 | 6/30/95 |
| | Mr. Thomas Dale Pugh* | 7/6/93 | 6/30/96 |
| (Speaker) | Mr. J. Carlton Cole* | 8/3/92 | 6/30/95 |
| | Mr. W. Ray McLester* | 7/19/94 | 6/30/97 |
| **ARBORETUM, THE NORTH CAROLINA, BOARD OF DIRECTORS** | | | |
| G.S. 116–243 | | | Term–four years |
| (Lt. Gov.) | Ms. Lois R. Ferm, Ph.D.* | 7/22/92 | 6/30/96 |
| | Mrs. Susan B. Roderick* | 7/1/94 | 6/30/98 |
| (Speaker) | Mr. Barney P. Woodard, Jr., ASA* | 8/3/92 | 6/30/96 |
| | Mr. Morris McGough* | 7/19/94 | 6/30/98 |
| **ART, NORTH CAROLINA MUSEUM OF – BOARD OF TRUSTEES** | | | |
| G.S. 140–5.13(b)(5) | | | Term–two years |
| (Lt. Gov.) | Mrs. Linda Godwin Murphy* | 7/20/93 | 6/30/95 |
| | Honorable Terry Sanford* | 7/20/93 | 6/30/95 |
| (Speaker) | Mr. Ivie L. Clayton* | 8/1/91 | 6/30/93 |
| | Mrs. Betty B. Adams* | 12/22/93 | 6/30/95 |
| **BANKING COMMISSION, STATE** | | | Term–four years |
| G.S. 53–92 | | | |
| (Lt. Gov.) | Mr. Henry G. Williamson, Jr.* | 7/18/91 | 3/31/95 |
| (Speaker) | Mr. Charles H. Mercer, Jr.* | 8/5/91 | 6/30/95 |
| **BIOTECHNOLOGY CENTER, NORTH CAROLINA—BOARD OF DIRECTORS** | | | |
| By–Laws | | | Term–two years |
| (Lt. Gov.) | Rep. Leo Mercer | 8/1/93 | 7/31/95 |
| | Mrs. Sandra Y. Capps* | | |
| | Mr. Max G. Matthews* | | |
| | Mr. Thaddeus Pender Sharp III* | | |
| | Mr. John C. Reilly* | | |
| (Speaker) | Dr. Edward B. Fort* | 10/11/93 | 7/31/95 |
| | Mr. Donald E. Ball* **(Resigned)** | | |
| | Mr. James O. Roberson* | | |
| | Rep. Edward A. Warner, Jr. | | |
| | Dr. Steven Jacobs* | | |
| | Mr. Robert V. Slocum, Jr.* **[UT—**Ball*]** | 1/10/94 | |
| **CAPITAL PLANNING COMMISSION** | | | Term–Coincides with term of Office |
| G.S. 143B–374 | | | |
| (Lt. Gov)(or Designee) | | | |
| (See also Appointments of President *Pro Tempore*) | | | |
| (Speaker) | Rep. Peggy Stamey (Designee)**(Resigned)** | 3/9/93 | 1/30/95 |
| | Rep. J. Sam Ellis | | |
| | Rep. Robert J. Hensley | | |
| | Rep. Erin Kuczmarski | | |
| | Rep. Brad Miller | | |
| | Rep. Jane H. Mosley **[UT—**Stamey**]** | 9/14/93 | 1/30/95 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| Lieutenant Governor/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **CAPITOL PRESERVATION COMMISSION** | | Term–four years/staggered | |
| G.S. 143B–80.8—see Ch. 682, 1993 S.L. (H.B. 1774) | | | |
| (Lt. Gov) | Mrs. Kaye Barker* (ex–officio) | 9/20/94 | 6/30/98 |
| (See also Appointment of President *Pro Tempore*) | | | |
| (Speaker) | Hon. William A. Creech* | 8/3/94 | 6/30/96 |
| | Mr. Philip G. Freelon* | 8/3/94 | 6/30/98 |
| | Hon. Derryl Garner* | 8/3/94 | 6/30/96 |
| **CEMETERIES, ADVISORY COMMITTEE ON ABANDONED** | | Term–four years | |
| G.S. 143B–128 | | | |
| (Lt. Gov.) | Mr. John Bass* | 5/19/93 | 6/30/97 |
| (Speaker) | Rep. Howard J. Hunter | 9/5/91 | 6/30/95 |
| **CHILD DAY–CARE—see DAY–CARE** | | | |
| **CHIROPRACTIC EXAMINERS, STATE BOARD OF** | | | |
| G.S. 90–139(b) | | | |
| (Lt. Gov.)(Term–Three years) | | | |
| | Dr. Ricky R. Sides* | 7/22/92 | 6/30/95 |
| (Speaker)(Term–Two years) | | | |
| | Dr. Dennis L. Hall* | 9/22/93 | 6/30/95 |
| **CODE OFFICIALS QUALIFICATION BOARD, NORTH CAROLINA** | | | |
| G.S. 143–151.9 | | Term four–years/staggered | |
| (Lt. Gov.) | Mr. Billy Thomas McDaniel* | 7/1/91 | 6/30/95 |
| | Mr. L. Gene Morton* | 7/24/92 | 6/30/96 |
| | Mr. Tai Y. Lee* (**Deceased**) | 7/6/93 | 6/30/97 |
| | Mr. Rick Lee* [UT—T.Lee] | 1/7/94 | 6/30/97 |
| | Mrs. Barbara H. Mulkey* | 7/1/94 | 6/30/98 |
| (Speaker) | Mr. C. Neil Styers* | 10/15/93 | 6/30/97 |
| | Mr. Ernest Frank Davis* | 8/3/92 | 6/30/96 |
| | Mr. Charles England* | 10/15/93 | 6/30/97 |
| | Mr. G. Alan Jones* | 8/23/91 | 6/30/95 |
| **COMPREHENSIVE MAJOR MED. PLAN, TEACHER'S AND STATE EMPLOYEES'—see MAJOR MEDICAL PLAN** | | | |
| **COSMETIC ART EXAMINERS, STATE BOARD OF** | | Term three–years | |
| G.S. 88–13 | | | |
| (Lt. Gov.) | Mrs. Helen Pollard–Frazier* | 7/20/93 | 6/30/96 |
| (Speaker) | Ms. Mary Hardy* | 8/3/92 | 6/30/95 |
| **COURTS COMMISSION, NORTH CAROLINA** | | Term four–years | |
| G.S. 7A–506—see Ch. 438, 1993 S.L. (H.B. 1157) | | | |
| (Lt. Gov.) | Mr. Robert W. Cook* | 7/1/91 | 6/30/95 |
| | Mr. Paul "Skip" Stam* | 7/1/91 | 6/30/95 |
| | Mr. Charles L. Steel, IV* | 7/1/91 | 6/30/95 |
| (See also Appointments of President *Pro Tempore*) | | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| Lieutenant Governor/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **COURTS COMMISSION, NORTH CAROLINA** (Continued) | | | |
| (Speaker) | Rep. R. Hunter | 9/6/91 | 6/30/95 |
| | Rep. Annie B. Kennedy | 9/6/91 | 6/30/95 |
| | Rep. Donald M. Dawkins (**Resigned**) | 9/6/91 | 6/30/95 |
| | Rep. Robert J. Hensley, Jr. | 10/7/93 | 6/30/97 |
| | Rep. H. Mickey Michaux, Jr. [**UT**–Dawkins] | 10/7/93 | 6/30/95 |
| | Rep. David T. Falherty, Jr. | 10/7/93 | 6/30/97 |
| | Mr. George T. Griffin* | 10/7/93 | 6/30/97 |
| **CRIME VICTIMS COMPENSATION COMMISSION** | | | Term–four years |
| G.S. 15B–3(a) | | | |
| (Lt. Gov.) | Mr. A. A. Adams* | 7/18/91 | 6/30/95 |
| (Speaker) | Mr. Mark D. Donaldson* | 7/30/91 | 6/30/95 |
| **CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION** | | | Term–two years |
| G.S. 17C–3 | | | |
| (Lt. Gov.) | Mr. R. Lee Farmer* | 7/20/93 | 6/30/95 |
| (Speaker) | Mr. Charles P. Farris, Jr.* | 7/30/93 | 6/30/95 |
| **CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD, STATE** | | | |
| G.S. 143B–272.6—see Ch. 534, 1993 S.L. (H.B. 281) | | Terms–three years/staggered | |
| (Lt. Gov) | Mr. David "Crockett" Long* | 9/13/93 | 6/30/95 |
| | Mr. Terry Sherrill* | 9/13/93 | 6/30/96 |
| | Mrs. Kathy Hodges* | 2/7/94 | 6/30/96 |
| (See also Appointments of President Pro Tempore) | | | |
| (Speaker) | Rep. Betha M. Holt | 6/21/94 | 6/30/97 |
| | Mr. Darrell Hancock* | 1/18/94 | 6/30/96 |
| | Hon. Zee B. Lamb* | 1/18/94 | 6/30/95 |
| **DAY–CARE COMMISSION OF THE DEPARTMENT OF HUMAN RESOURCES** | | | |
| G.S. 143B–168.4 | | Term two–years/staggered | |
| (Lt. Gov.) | Mrs. Debi Mull Harrill* | 7/1/94 | 6/30/96 |
| | Ms. Diana Jones Wilson* | 7/1/94 | 6/30/96 |
| | Mrs. Rebekah Beerbower* | 7/20/93 | 6/30/95 |
| | Mrs. Michelle Braswell Moss* | 7/20/93 | 6/30/95 |
| (Speaker) | Mr. Christopher E. McClure* | 7/19/94 | 6/30/96 |
| | Mrs. Joanne Byrd* | 7/19/94 | 6/30/96 |
| | Ms. Camille F. Hawks* | 9/1/93 | 6/30/95 |
| | Ms. Floriana J. Thompson* | 9/1/93 | 6/30/95 |
| **DEFERRED COMPENSATION PLAN, NORTH CAROLINA PUBLIC EMPLOYEE** | | | Term–two years |
| G.S. 143B–426.24 | | | |
| (Lt. Gov.) | Mrs. Gail I. Myers* (**Resigned**) | 7/20/93 | 6/30/95 |
| | Mr. D. Steven Beam* [**UT**–Myers] | 10/26/93 | 6/30/95 |
| (Speaker) | Mr. Herbert L. Dawson* | 11/8/93 | 6/30/95 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| Lieutenant Governor/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **DIETETICS/NUTRITION, NORTH CAROLINA BOARD** | | | |
| G.S. 90–353 | | Term–three years/staggered | |
| (Lt. Gov.) | Ms. Kim Dove* | 7/1/94 | 6/30/97 |
| | Ms. Nancy Linn Becker* **(Resigned)** | 7/20/93 | 6/30/96 |
| | Ms. Marsha K. Schofield* [UT—Becker*] | 6/6/94 | 6/30/96 |
| (Speaker) | Ms. Rebecca S. Freeman* | 7/19/94 | 6/30/97 |
| | Ms. Lynn Maney–McIntosh* | 9/2/93 | 6/30/95 |
| **DISABILITIES, GOVERNOR'S ADVOCACY COUNCIL ON PERSONS WITH** | | | |
| G.S. 143B–403.2 | | Term–two years | |
| (Lt. Gov.) | Mr. William B. Brantley* | 7/20/93 | 6/30/95 |
| | Mrs. Cynthia Townsend Harton* | | |
| | Mr. J. Michael Elder* | | |
| | Ms. Claretta Johnson* | | |
| | Mr. Sherman Lee Lewis* | | |
| | Mrs. Elizabeth Smith* | | |
| | Mr. Willis Earl Williams* | | |
| (Speaker) | Mrs. Jo Anne Jeffries* | 11/23/93 | 6/30/95 |
| | Mr. George McCoy* | | |
| | Mr. Ben Murray* | | |
| | Mr. Edward T. Smith* | | |
| | Ms. Cynthia Neloms* | | |
| | Ms. Dorothy O'Neal* | | |
| | Mr. Willam M. Simpson* | | |
| **DISABILITY TASK FORCE OF THE DEPARTMENT OF HUMAN RESOURCES** | | | |
| Ch. 1034, Sec. 64, 1983 S.L.; Ch. 757, Sec. 82, 1985 S.L. | | | |
| (Lt. Gov.) | Mr. Charles McBrayer Sasser* | 9/19/85 | |
| (Speaker) | Rep. Marie W. Colton | 3/8/93 | 1/30/95 |
| **DISCIPLINARY HEARING COMMISSION OF NORTH CAROLINA STATE BAR** | | Term–three years | |
| G.S. 84–28.1 | | | |
| (Lt. Gov.) | Mr. Frank L. Boushee* | 7/14/92 | 6/30/95 |
| (Speaker) | Mr. James Lee Burney* | 6/21/94 | 6/30/97 |
| **ECONOMIC DEVELOPMENT BOARD** | | Term–four years/staggered | |
| G.S. 143B–434—see Ch. 321, Sec. 313 (S.B. 27); Ch. 561, Sec. 12 (S.B. 26), 1993 S.L. | | | |
| (Lt. Gov) | Mr. John McCracken* (Designee) | 8/12/94 | 6/30/97 |
| (See also Appointments of President *Pro Tempore*) | | | |
| (Speaker) | Rep. E. David Redwine (Designee) | 3/8/93 | 1/30/95 |
| | Rep. Jack Hunt | 9/13/93 | 7/1/97 |
| | Rep. George S. Robinson | 9/13/93 | 7/1/95 |
| | Rep. H. Mickey Michaux, Jr. | 9/13/93 | 7/1/97 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| Lieutenant Governor/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **ECONOMIC DEVELOPMENT COMMISSION, SOUTHEASTERN NORTH CAROLINA REGIONAL** | | Term–four years/staggered | |
| G.S. 158–8.3—see Ch. 321, Sec. 309.2, 1993 S.L. (S.B. 27) | | **Report**–By 3/31 Annually | |
| (Lt. Gov.) | Mr. Richard Allan Leinwand* | 3/17/94 | 6/30/95 |
| | Mr. Charles Gregory Cummings* | 6/3/94 | 6/30/97 |
| (See also Appointments of President Pro Tempore) | | | |
| (Speaker) | Mr. Rod Bullard* | 2/16/94 | 6/30/97 |
| | Mr. James Allen Cartrette* | 2/16/94 | 6/30/97 |
| | Mr. Windell Daniels* | 2/16/94 | 6/30/95 |
| | Mr. Robert Deese* | 2/16/94 | 6/30/97 |
| | Mr. James L. Smith* | 2/16/94 | 6/30/95 |
| **ECONOMIC DEVELOPMENT COMMISSION, WESTERN NORTH CAROLINA REGIONAL** | | Term–four years/staggered | |
| G.S. 158–8.1—see Ch. 321, Sec. 309 1993 S.L. (S.B.27) | | **Report**–By 3/31 annually | |
| (Lt. Gov.) | Mr. W. Thomas Alexander* | 1/24/94 | 6/30/97 |
| | Mr. Daniel M. Allison III* | 1/24/94 | 6/30/95 |
| (See also Appointments of President Pro Tempore) | | | |
| (Speaker) | Mr. R. Phillip Haire* | 1/18/94 | 6/30/95 |
| | Dr. Harry Jarrett* | 1/18/94 | 6/30/97 |
| | Mr. Gordon S. Myers* | 1/18/94 | 6/30/97 |
| | Ms. Leni Sitnick* | 1/18/94 | 6/30/95 |
| | Mr. Harold Stallcup* | 1/18/94 | 6/30/97 |
| **EDUCATION COMMISSION OF THE STATES** | | Term–two years | |
| G.S. 115C–104 | | | |
| (Lt. Gov.) | Senator Linda H. Gunter | 8/1/93 | 6/30/95 |
| (Speaker) | Rep. David H. Diamont | 3/10/93 | 1/30/95 |
| **EDUCATIONAL FACILITIES FINANCE AGENCY** | | Term–four years | |
| Ch. 794, 1985 S.L. (H.B. 953, Sec. 4) | | | |
| (Lt. Gov.) | Mr. Max T. Lowery* | 5/22/92 | 4/11/96 |
| (Speaker) | Mr. Walter W. Baucom* | 4/6/88 | 4/11/92 |
| **ENVIRONMENTAL MANAGEMENT COMMISSION** | | Term–two years | |
| G.S. 143B–283 | | | |
| (Lt. Gov) | Mr. James Kirk Glenn, Jr.* | 7/1/93 | 6/30/95 |
| | Mr. Robert Epting* | 7/1/93 | 6/30/95 |
| (Speaker) | Ms. Margaret B. Pollard* | 10/8/93 | 6/30/95 |
| | Ms. Marion E. Deerhake* | | |
| **FARMERS MARKET COMMISSION, NORTHEASTERN NORTH CAROLINA** | | | |
| G.S. 106–720 | | Term–four years/staggered | |
| (Lt. Gov.) | Dr. Edmund Estes* | 7/15/88 | 6/30/92 |
| | Mr. Tom H. Shepherd* | 7/15/88 | 6/30/92 |
| | Mr. Sam Walker* | 7/16/86 | 6/30/90 |
| | Ms. Grace Bonner* | 7/16/86 | 6/30/90 |
| (Speaker) | Mr. M. Wayne Miller* | 8/21/87 | 6/30/92 |
| | Mr. Don Baker* | 7/16/86 | 6/30/90 |
| | Rev. James M. Johnson* | 7/16/86 | 6/30/90 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| Lieutenant Governor/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **FARMERS MARKET COMMISSION, SOUTHEASTERN NORTH CAROLINA** | | | |
| G.S. 106–727 | | Term–four years/staggered | |
| (Lt. Gov.) | Mr. Wayne Miller* | 7/15/88 | 6/30/92 |
| | Mr. J. T. Wellington* | 7/15/88 | 6/30/92 |
| | Mr. Durwood Sinclair* | 7/16/86 | 6/30/90 |
| | Mr. Al Parker* | 7/16/86 | 6/30/90 |
| (Speaker) | Mr. James H. Norris* | 7/22/94 | 6/30/96 |
| | Mr. Lacy Cummings* | 7/31/90 | 6/30/94 |
| | Mr. Henry A. McLaurin* | 7/31/90 | 6/30/94 |
| | Mr. Lycurous Lowry* | 8/3/92 | 6/30/96 |
| **FARMWORKER COUNCIL, NORTH CAROLINA** | | | |
| G.S. 143B–426.25 | | Term–Pleasure of appointive authority | |
| (Lt. Gov.) | Mr. Harry Thomas Gray* | 5/19/93 | |
| | Mr. P.E. Bazemore* | | |
| (Speaker) | Rep. Jerry Braswell | 8/26/93 | 6/30/95 |
| | Rep. Charles L. McLawhorn | | |
| **FIRE AND RESCUE COMMISSION, STATE** | | Term–three years | |
| G.S. 58–78–1— see also Ch. 321, Sec. 41, 1993 S.L. (S.B. 27) | | | |
| (Lt. Gov.) | Honorable David C. Joyner* | 7/20/93 | 6/30/96 |
| (Speaker) | Mayor Leander Morgan* | 12/9/92 | 6/30/95 |
| **HEALTH INSURANCE TRUST COMMISSION, NORTH CAROLINA** | | | |
| G.S. 58–68–10 | | Term–three years/staggered | |
| (Lt. Gov.) | Mr. Dennis R. Barry* | 8/24/87 | 6/30/90 |
| | Dr. Charles E. Cook* | 7/15/88 | 6/30/91 |
| | Mr. Roger W. Isaac* | 8/14/89 | 6/30/92 |
| | Mr. Kenneth E. Morris III* | 8/14/89 | 6/30/92 |
| (Speaker) | Mr. Shannon Brown* | 8/26/87 | 6/30/91 |
| | Mr. John R. Griffin, Jr.* | 8/21/89 | 6/30/92 |
| | Dr. Blair Harrold* | 7/31/90 | 6/30/93 |
| | Dr. Michael L. Steiner* | 7/13/88 | 6/30/91 |
| **HEALTH PLAN PURCHASING ALLIANCE BOARD, STATE** | | | |
| G.S. 143–625—see Ch. 529, Sec. 3.1, 1993 S.L. (H.B. 729) | | Term–four years/staggered | |
| (Lt. Gov) | Lt. Governor Dennis A. Wicker | **Report**–by 1/1/95— | |
| (See also Appointments of President *Pro Tempore*) | | Annually thereafter | |
| (Speaker) | Ms. Cyndee G. Patterson* | 9/28/93 | 7/1/95 |
| | Ms. Juanita P. Pilgrim* | 9/28/93 | 7/1/97 |
| | Mr. G. Gordon Greenwood* | 9/28/93 | 7/1/97 |
| **HEALTH PLANNING COMMISSION, NORTH CAROLINA** | | | |
| G.S. 143–610—see also Ch. 771, Sec. 6.1, 1993 S.L. (H.B. 1319) | | **Report**–by 4/1 | |
| (Lt. Gov) | Lt. Governor Dennis A. Wicker | Annually | |
| (See also Appointments of President *Pro Tempore*) | | | |
| (Speaker) | Speaker Daniel T. Blue, Jr. | | |
| | Rep. Walter W. Dickson | 9/14/93 | |
| | Rep. Karen E. Gottovi | | |
| | Rep. Josephus L. Mavretic | | |
| | Rep. Richard H. Moore | | |
| | Rep. Thomas E. Wright | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| Lieutenant Governor/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **HOLOCAUST, NORTH CAROLINA COUNCIL ON THE** | | Term–two years | |
| G.S. 143B–216.21 | | | |
| (Lt. Gov.) | Mr. Adam Paul Holtzman* | 7/1/93 | 6/30/95 |
| | Dr. Burton Horwitz* | | |
| | Mr. Alan Kronovet* | | |
| | Mrs. Joslin LeBauer* | | |
| | Mr. Daniel Retchen* | | |
| | Mrs. Sara Lee Saperstein* | | |
| (Speaker) | Rep. Bertha Holt | 8/26/93 | 6/30/95 |
| | Rep. Mary L. Jarrell | | |
| | Rep. Warren C. Oldham **(Resigned)** | | |
| | Dr. David M. Crowe* | | |
| | Rev. Roosevelt Wilkerson, Jr.* | | |
| | Mr. Marvin Schiller* | | |
| | Ms. Susan Cernyak–Spatz* [**UT**—Oldham] | 1/28/94 | 6/30/95 |
| **HOUSING FINANCE AGENCY, BOARD OF DIRECTORS** | | Term–two/four years | |
| G. S. 122A–4 | | | |
| (Lt. Gov.) | Mr. Donald B. Barnes* | 7/18/91 | 6/30/95 |
| | Mr. William Earl Antone, Sr.* | 7/20/93 | 6/30/95 |
| | Mr. Walter Clark* | 7/20/93 | 6/30/97 |
| | Ms. Betty Chafin Rash* **(Resigned)** | 7/20/93 | 6/30/95 |
| | Mrs. Patricia G. Garrett* [**UT**—Rash*] | 2/7/94 | 6/30/95 |
| (Speaker) | Mr. Cecil J. Hill* | 11/15/93 | 6/30/95 |
| | Ms. Sheila A. Nader* | | |
| | Ms. Eleanor Nunn* | | |
| | Mr. William G. Smith* | | |
| **HOUSING PARTNERSHIP, NORTH CAROLINA** | | Term–three years | |
| G.S. 122E–4 | | | |
| (Lt. Gov.) | Mr. Melvin "Skip" Alston* | 9/1/93 | 8/31/96 |
| | Mr. Lawrence J. Bayer, Jr.* | | |
| | Mr. Leighton W. "Chick" Martin* | | |
| | Ms. Sally Hunt Royster* | | |
| | Honorable Martha Wood* | | |
| (Speaker) | Mr. Dewey Brown* | 9/1/94 | 8/31/96 |
| | Mr. Michael D. Calhoun* | | |
| | Rev. William D. Crowder* | | |
| | Mr. Kenneth Freeman* | | |
| | Mr. Abdul Sm Rasheed* | | |
| **HUMAN RELATIONS COMMISSION** | | Term–four years | |
| G.S. 143B–392 | | | |
| (Lt. Gov.) | Ms. Carol Laverne Goins* | 7/1/94 | 6/30/98 |
| | Mr. James Arthur Jones* | 7/1/94 | 6/30/98 |
| (Speaker) | Mr. William N. Chestnut* | 9/14/94 | 6/30/98 |
| | Mr. Alphonso H. Pearson* | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| Lieutenant Governor/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **INAUGURAL CEREMONIES COMMITTEE** | | | |
| G.S. 143–533 | Term–July 1 election years—seven days after inauguration | | |
| (Lt. Gov.) | Senator Betsy L. Cochrane (Designee) | 11/24/92 | |
| | Senator Roy A. Cooper III | | |
| | Senator Ralph A. Hunt | | |
| | Senator Beverly M. Perdue | | |
| (See Appointments of President *Pro Tempore* for terms after 1/1/93) | | | |
| (Speaker) | Rep. Marie W. Colton | 10/5/92 | |
| | Rep. Jack Hunt | | |
| | Rep. Annie B. Kennedy | | |
| **INDIAN AFFAIRS, NORTH CAROLINA COMMISSION OF** | | Term–two years | |
| G.S. 143B–407 | | | |
| (Lt. Gov.) | Mr. Larry Marshal Townsend* | 7/20/93 | 6/30/95 |
| (Speaker) | Mr. Jim R. Lowry* | 7/30/93 | 6/30/95 |
| **INFANT MORTALITY, GOVERNOR'S COMMISSION ON REDUCTION OF** | | Term–Pleasure of Governor | |
| Executive Order No. 99; Executive Order 185; Executive Order No. 41—see also Ch. 321, Sec. 284(a); Ch. 771, Sec. 5.1, 1993 S.L. | | **Report**–by 10/1/94 | |
| (Lt. Gov.) | Senator James S. Forrester | 1/1/92 | 12/31/94 |
| (Speaker) | Rep. J. Preston Green, Sr. | 9/1/93 | 12/31/94 |
| **INTERNSHIP COUNCIL, NORTH CAROLINA** | | | |
| G.S. 143B–418 | Term–Pleasure of appointive authority | | |
| (Lt. Gov.) | Mr. George Wayne Goodwin* | 7/1/93 | |
| (Speaker) | Ms. Josephine A. Cialone* | 8/26/93 | 6/30/95 |
| **LIABILITY INSURANCE COMMISSION, PUBLIC OFFICERS AND EMPLOYEES** | | Term–four years | |
| G.S. 58–32–1 | | | |
| (Lt. Gov.) | Mr. Kenneth E. Morris, Jr.* **(Resigned)** | 7/18/91 | 6/30/95 |
| | Mr. Charles K. Royall, Jr.* [UT—Morris*] | 7/22/92 | 6/30/95 |
| (Speaker) | Mr. Welton Barnes, Sr.* | 8/5/91 | 6/30/95 |
| Ex–Officio–Commissioner of Insurance (James E. Long) | | | |
| | Secretary of Crime Control (Thurman B. Hampton) | | |
| | Attorney General (Michael Easley) | | |
| **LIBRARY COMMISSION, STATE** | | Term–four years | |
| G.S. 143B–90 | | | |
| (Lt. Gov.) | Ms. Lynda J. Blount* **(Resigned)** | 12/16/91 | 6/30/95 |
| | Mrs. Sue Moody* [UT—Blount*] | 6/18/93 | 6/30/95 |
| (Speaker) | Ms. Ophelia M. Irving* | 9/10/91 | 6/30/95 |
| **LITERACY, GOVERNOR'S ADVISORY COUNCIL ON** | | | |
| Executive Order No. 90 | Term–Pleasure of appointive authority | | |
| (Lt. Gov.) | Senator John Carter | 4/2/91 | |
| (Speaker) | Rep. Frances M. Cummings | 8/18/93 | 5/18/95 |
| **LOCAL GOVERNMENT COMMISSION** | | Term–four years | |
| G.S. 159–3 | | | |
| (Lt. Gov.) | Mr. Bill Webb* | 7/1/93 | 6/30/97 |
| (Speaker) | Mr. Gerald Lamb* | 9/15/93 | 6/30/97 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| Lieutenant Governor/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **LOCAL GOVERNMENT PARTNERSHIP COUNCIL** | | | Term–two years |
| Executive Order No. 21 | | | |
| (Lt. Gov) | Lt. Governor Dennis A. Wicker | | |
| (See also Appointment of President *Pro Tempore*) | | | |
| (Speaker) | Rep. Linwood E. Mercer | 11/5/93 | 8/12/95 |
| | Rep. R. Bradley Miller | | |
| **LOW–LEVEL RADIOACTIVE WASTE MANAGEMENT AUTHORITY** | | | |
| G.S. 104G–5 | | | Term–four years |
| (Lt. Gov.) | Ms. Regina Lee Hopkins* | 7/1/94 | 6/30/98 |
| | Ms. Patrice A. Hinnant* | 7/20/93 | 6/30/97 |
| | Mr. Frederick Lee Van Swearingen* | 7/22/92 | 6/30/96 |
| | Mr. James Robert McLester* | 7/18/91 | 6/30/95 |
| | Mr. Joe Beck* (**Resigned**) | 7/18/91 | 6/30/95 |
| | Mr. Garris D. Parker* [UT—Beck*] | 8/13/91 | 6/30/95 |
| (Speaker) | Mr. David Felmet, Sr.* | 7/31/90 | 6/30/94 |
| | Hon. Carolyn Allen* | 7/31/91 | 6/30/95 |
| | Mr. R. Lynn McCaskill* (**Resigned**) | 7/31/91 | 6/30/95 |
| | Dr. Fred McQueen* [UT—McCaskill*] | 3/10/92 | 6/30/95 |
| | Mr. Robert B. Heater* | 8/27/92 | 6/30/96 |
| | Mr. Mark A. Finkelstein* | 10/18/93 | 6/30/97 |
| **LOW–LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT COMMISSION, ADVISORY COMMITTEE** | | | Term–two years |
| G.S. 104F–4 | | | |
| (Lt. Gov.) | Mr. George C. Bower, Jr.* | 7/1/93 | 6/30/95 |
| | Mr. Harvey Kennedy* | | |
| (Speaker) | Rep. Joe Hackney | 8/25/93 | 7/15/95 |
| | Rep. George W. Miller, Jr. | | |
| **MAJOR MED. PLAN, BD. OF TRUSTEES TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE** | | | |
| G.S. 135–39 | | | Term–two years/staggered |
| (Lt. Gov.) | Mr. James R. Vann* | 7/1/94 | 6/30/96 |
| | Mrs. Joyce H. Elliott* | 7/20/93 | 6/30/95 |
| | Dr. Janet Sue Johnson Owen* (**Resigned**) | 7/20/93 | 6/30/95 |
| | Mr. H. Garrett Rhyne* [UT—Owen*] | 10/7/93 | 6/30/95 |
| (Speaker) | Ms. Hilda A. Highfill* | 8/17/93 | 6/30/95 |
| | Mr. Thomas E. Terrell, Jr.* | 8/17/93 | 6/30/95 |
| | Mr. Benton F. Sonny Clifton, Jr.* | 7/20/94 | 6/30/96 |
| **MEDICAL DATABASE COMMISSION, NORTH CAROLINA** | | | |
| G.S. 131E–211 | | | Term–three years/staggered |
| (Lt. Gov.) | Mr. David J. McCombs* | 7/22/92 | 6/30/95 |
| | Dr. Sandra B. Greene* | 7/22/92 | 6/30/95 |
| | Mr. Tony Copeland* | 7/20/93 | 6/30/96 |
| | Mrs. Kathy G. Barger, CPA* | 7/1/94 | 6/30/97 |
| (Speaker) | Ms. Gail Sports Long* | 8/3/92 | 6/30/95 |
| | Mr. Ches Gwinn* | 7/21/94 | 6/30/96 |
| | Rep. James P. Green, Sr. | 7/21/94 | 6/30/96 |
| | Mr. O. Louis Gentry* | 7/21/94 | 6/30/96 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| Lieutenant Governor/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES COMMISSION** | | | |
| G.S. 143B–148 | | Term–two years | |
| (Lt. Gov.) | Ms. Patricia Ann Chamings* | 7/20/93 | 6/30/95 |
| | Ms. Helen K. Jernigan* | 7/20/93 | 6/30/95 |
| (Speaker) | Mr. Ben W. Aiken* | 1/7/94 | 6/30/95 |
| | Ms. Ann Hoyle* | | |
| **MILK COMMISSION, NORTH CAROLINA** | | Term–four years | |
| G.S. 106–266.7 | | | |
| (Lt. Gov.) | Mr. Andrew Benjamin Lloyd, Jr.* | 7/30/90 | 6/30/94 |
| | Dr. Vila Rosenfeld* | 8/24/87 | 6/30/91 |
| (Speaker) | Mr. John Hunter* | 8/21/89 | 6/30/91 |
| | Mrs. Kathryn G. Kirkpatrick* | 7/31/90 | 6/30/92 |
| **MOTOR VEHICLE DEALERS ADVISORY BOARD, NORTH CAROLINA** | | | |
| G.S. 20–305.4 | | Term–three years | |
| (Lt. Gov.) | Mr. Robert P. Noble III* | 7/24/92 | 6/30/95 |
| | Mr. Joseph Riddick Hendrick III* (**Resigned**) | 7/1/93 | 6/30/96 |
| | Mr. Robert F. Bleeker, Jr. [**UT**—Hendrick] | 11/22/93 | 6/30/96 |
| | Mr. W. Clyde Womble* | 7/1/94 | 6/30/97 |
| (Speaker) | Mr. John T. Bunch* | 10/23/89 | 6/30/92 |
| | Mr. Leonard A. LeFiles III* | 7/1/90 | 6/30/93 |
| | Mr. Sam Johnson | 11/14/91 | 6/30/94 |
| **NATURAL HERITAGE TRUST FUND, BOARD OF TRUSTEES** | | | |
| G.S. 113–77.8 | | Term–six years/staggered | |
| (Lt. Gov.) | Mr. Jim Sponenberg* | 1/2/94 | 12/31/2000 |
| | Mrs. Nancy Gillam Spruill* | 3/12/90 | 12/31/95 |
| | Mr. Thomas D. "Bud" Hunter III* | 1/2/92 | 12/31/97 |
| (Speaker) | Mrs. Kathryn McCoy* | 2/22/94 | 12/31/99 |
| | Mr. William Joslin* | 1/24/90 | 12/31/95 |
| | Hon. Robert B. Jordan III* | 1/10/92 | 12/31/97 |
| **POLLUTION PREVENTION ADVISORY COUNCIL** | | | |
| Ch. 501, Sec. 30, 1993 S.L. (H.B. 976) | | Term–Terminates upon final report | |
| (Lt. Gov) | Mr. C. David Hughes* | 7/20/93 | 10/1/94 |
| (See also Appointments of President *Pro Tempore*) | | | |
| (Speaker) | Rep. Karen Gottovi | 11/4/93 | 10/1/94 |
| | Dr. William E. Paige* | | |
| | Ms. Elizabeth Treadway* | | |
| | Mr. Charlie Garner* | | |
| **PORTS**—see **STATE PORTS** | | | |
| **PRIVATE PROTECTIVE SERVICES BOARD** | | Term–three years | |
| G.S. 74C–4(b) | | | |
| (Lt. Gov.) | Mr. Sherman Gilliard III* | 7/1/94 | 6/30/97 |
| | Mr. Jeff D. Rogers* | 7/22/92 | 6/30/95 |
| (See also Appointment of President *Pro Tempore*) | | | |
| (Speaker) | Mr. Joel Garth Locklear* | 8/3/92 | 6/30/95 |
| | Dr. James C. Purvis* | 10/8/93 | 6/30/96 |
| | Mr. Mack Donaldson* | 7/20/94 | 6/30/97 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| Lieutenant Governor/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **PROPERTY TAX COMMISSION** | | Term–two/four years | |
| G.S. 105–288 | | | |
| (Lt. Gov.)(Term–Four years) | | | |
| | Mr. Thomas Richard Wright, Jr.* (**Resigned**) | 7/18/91 | 6/30/95 |
| | Mr. William Eugene Wilson* [**UT**—Wright*] | 10/7/91 | 6/30/95 |
| (Speaker)(Term–Two years) | | | |
| | Mr. George G. Cunningham* | 7/27/93 | 6/30/95 |
| **PUBLIC HEALTH STUDY COMMISSION** | | Term–two years/staggered | |
| G.S. 120–197—see Ch. 771, Sec. 2.1, 1993 S.L. (H.B. 1319) | | | |
| (Lt. Gov.) | Hon. Moses Carey, Jr.* | 9/2/94 | 6/30/95 |
| (See Also Appointments of President *Pro Tempore*) | | | |
| (Speaker) | Rep. Walter W. Dickson (Co–Ch) | 8/29/94 | 6/30/95 |
| | Rep. John R. Gamble | | |
| | Rep. Josephus L. Mavretic | | |
| | Rep. Mary E. McAllister | | |
| | Rep. Paul Wayne Sexton, Sr. | | |
| | Dr. Karen Breach* | | |
| | Dr. John Hatch* | | |
| **PUBLIC SCHOOL FORUM** | | Term–Coincides with term of Office | |
| By–laws Public School Forum | | | |
| (Lt. Gov.) | Senator R. L. Martin | 2/93 | |
| | Senator Beverly Perdue | | |
| | Senator Aaron Plyler | | |
| | Senator Marvin Ward | | |
| (Speaker) | Rep. Anne C. Barnes | 2/25/93 | |
| | Rep. James B. Black | | |
| | Rep. Walter W. Dickson | | |
| | Rep. Warren C. Oldham | | |
| **PUBLIC TELECOMMUNICATIONS COMMISSIONERS, NORTH CAROLINA BOARD OF** | | Term–two years | |
| G.S. 143B–426.9(4) | | | |
| (Lt. Gov.) | Mr. Wayne Louis Lofton* | 7/20/93 | 6/30/95 |
| | Ms. Barbara Holcombe* | 9/7/93 | 6/30/95 |
| (Speaker) | Ms. Chrystle Swain* | 7/30/93 | 6/30/95 |
| | Mr. Bradford Thompson* | 7/30/93 | 6/30/95 |
| **QUALITY LEADERSHIP AWARDS COUNCIL, NORTH CAROLINA** | | | |
| Executive Orders No. 10; 13 | | Term–Pleasure of appointive authority | |
| (Lt. Gov.) | Honorable Liza Worthington* | 7/1/93 | |
| (See also Appointments of President *Pro Tempore*) | | | |
| (Speaker) | Ms. Linda Ashendorf* | 7/1/90 | 6/30/93 |
| **RECREATION AND NATURAL HERITAGE TRUST FUND—** see **NATURAL HERITAGE TRUST FUND** | | | |
| **RETIREMENT SYSTEM, TEACHERS' AND STATE EMPLOYEES' BOARD OF TRUSTEES** | | Term–two years | |
| G.S. 135–6(b)(4) | | | |
| (Lt. Gov.) | Mr. Michael Lloyd Weisel* | 7/20/93 | 6/30/95 |
| (Speaker) | Mr. Crawford Lane* | 11/15/93 | 6/30/95 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| Lieutenant Governor/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **RULES REVIEW COMMISSION** | | Term–two years/staggered | |
| G.S. 143B–30.1 | | | |
| (Lt. Gov.) | Ms. Vernice Britt Howard* | 7/1/94 | 6/30/96 |
| | Ms. Teresa L. Smallwood* | 7/1/94 | 6/30/96 |
| | Mr. Charles H. Henry* | 7/20/93 | 6/30/95 |
| | Honorable Philip O. Redwine* | 7/20/93 | 6/30/95 |
| (Speaker) | Ms. Jennie J. Hayman* | 7/20/94 | 6/30/96 |
| | Mrs. Marvealave D. Francis* | 7/20/94 | 6/30/96 |
| | Mr. Larry Colbert* | 11/15/93 | 6/30/95 |
| | Mr. Brent E. Wood* | 11/15/93 | 6/30/95 |
| **RURAL ECONOMIC DEVELOPMENT CENTER, BOARD OF DIRECTORS** | | | |
| By–Laws REDC | | Term–Pleasure of appointive authority | |
| (Lt. Gov.) | Senator Elaine F. Marshall | 3/1/93 | |
| | Senator Luther Henery Jordan, Jr. | | |
| | Senator J. Clark Plexico | | |
| (Speaker) | Rep. Howard Hunter, Jr. | 9/1/93 | 12/31/94 |
| | Rep. Mary E. McAllister (**Resigned**) | | |
| | Rep. Richard H. Moore | | |
| | Rep. Thomas K. Jenkins [**UT**–McAllister] | 10/14/93 | 12/31/94 |
| **SCHOOL FACILITY NEEDS, NORTH CAROLINA COMMISSION** | | | |
| G.S. 115C–489.4 | | Term–four years | |
| (Lt. Gov.) | Ms. Doris L. Lail* (Co–Ch) | 7/18/91 | 6/30/95 |
| | Mr. Jimmie R. Hutchens* | | |
| | Ms. Sharon G. Shelton* | | |
| | Mr. John H. Weatherly* | | |
| | Mr. William Eugene Wilson* (**Resigned**) | | |
| | Ms. Shelia McNeill* [**UT**—Wilson*] | 12/16/91 | 6/30/95 |
| (Speaker) | Mr. John A. Williams* (Co–Ch) | 7/30/91 | 6/30/95 |
| | Mrs. Kathleen R. Crosby* | | |
| | Mr. Morris L. McGough* | | |
| | Mr. W. I. Morris* | | |
| | Mr. Wilfred "Red" L. Robbins* | | |
| **SCIENCE AND MATHEMATICS, BOARD OF TRUSTEES, NORTH CAROLINA SCHOOL OF** | | Term–two/four years | |
| G.S. 116–233 | | | |
| (Lt. Gov.)(Term–Four years) | | | |
| | Mr. Randy Stephen Gregory* | 7/20/93 | 6/30/97 |
| | Dr. James B. Powell* | 7/18/91 | 6/30/95 |
| (Speaker)(Term–Two years) | | | |
| | Ms. Lois Artis* (**Resigned**) | 7/30/93 | 6/30/95 |
| | Dr. Charles D. Watts, M.D.* | 7/30/93 | 6/30/95 |
| | Mr. Curtis Bridges* [**UT**—Artis*] | 10/14/93 | 6/30/95 |
| **SCIENCE AND TECHNOLOGY, NORTH CAROLINA BOARD** | | Term–two years | |
| G.S. 143B–426.31 | | | |
| (Lt. Gov.) | Dr. Myron L. Coulter* | 7/20/93 | 6/30/95 |
| (Speaker) | Dr. William T. Fletcher* | 7/30/93 | 6/30/95 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| Lieutenant Governor/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **SEAFOOD INDUSTRIAL PARK AUTHORITY, NORTH CAROLINA** | | | |
| G.S. 113–315.25(d) | | | Term–two years |
| (Lt. Gov.) | Mr. Howard Russell Langley* | 7/20/93 | 6/30/95 |
| (Speaker) | Mr. Lacy McNeil* | 9/1/93 | 6/30/95 |
| **SENTENCING AND POLICY ADVISORY COMMISSION, NORTH CAROLINA** | | | |
| G.S. 164–37—see also Ch. 321, Sec. 200.1 (S.B. 27); Ch. 535 (H.B. 1035); Ch. 591, Sec. 6 (H.B. 1605), 1993 S.L. | | | |
| (Lt. Gov.) | Mr. A.A. "Dick" Adams* | 9/14/93 | 7/1/95 |
| | Mr. Carl Parrish* | | |
| (See also Appointments of President *Pro Tempore*) | | | |
| (Speaker) | Rep. Anne C. Barnes | 9/29/94 | 7/1/95 |
| | Rep. H. Mickey Michaux, Jr. | | |
| | Rep. E. David Redwine | | |
| | Mr. Luther T. Moore* | | |
| **SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION, NORTH CAROLINA** | | | Term–two years |
| G.S. 17E–3 | | | |
| (Lt. Gov.) | Hon. Richard Lee Frye* | 7/20/93 | 6/30/95 |
| (Speaker) | Hon. Clinton D. Vernon | 9/1/93 | 8/31/95 |
| **SOUTHERN GROWTH POLICIES BOARD** | | | Term–Not Specified |
| G.S. 143–492 | | | |
| (Lt. Gov.) | Senator Roy Cooper III | 7/1/93 | 6/30/95 |
| (Speaker) | Rep. Philip A. Baddour, Jr. | 3/25/93 | 1/30/95 |
| **STATE BAR DISCIPLINARY HEARING COMMISSION**—see **DISCIPLINARY HEARING COMMISSION** | | | |
| **STATE BUILDING COMMISSION** | | | Term–three years/staggered |
| G.S. 143–135.25 | | | |
| (Lt. Gov.) | Mr. Robert E. Turner* | 7/20/93 | 6/30/96 |
| | Mr. Carl H. Ricker* | 7/22/92 | 6/30/95 |
| | Mr. John Talbot Johnson* | 7/1/94 | 6/30/97 |
| (Speaker) | Mr. Jack K. Colby, PE* | 7/19/94 | 6/30/97 |
| | Mr. Benny R. Hockaday* | 8/3/92 | 6/30/95 |
| | Mr. Charles T. Wilson* | 8/18/93 | 6/30/96 |
| **STATE PORTS AUTHORITY** | | | Term–two years |
| G.S. 143B–452 | | | |
| (Lt. Gov.) | Mr. Kenneth E. Haigler* | 7/1/94 | 6/30/96 |
| | Mr. Herbert L. Dawson* | 7/20/93 | 6/30/95 |
| (Speaker) | Mr. Joseph Stevenson* | 7/30/93 | 6/30/95 |
| | Mr. Roy A. Stevens* | 7/20/94 | 6/30/96 |
| **SUBSTANCE ABUSE ADVISORY COUNCIL** | | | Term–four years |
| G.S. 143B–270 | | | |
| (Lt. Gov.) | Mr. Herbert H. Thorp* | 10/4/91 | 9/30/95 |
| | Dr. Ronald Cohn* (**Resigned**) | 10/4/91 | 9/30/95 |
| | Ms. Jeanette Gilmore* | 10/24/91 | 9/30/95 |
| | Mr. Horace A. McKinney* [UT—Cohn*] | 5/27/94 | 9/30/95 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| Lieutenant Governor/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **SUBSTANCE ABUSE ADVISORY COUNCIL** (Continued) | | | |
| (Speaker) | Ms. Alberta Green* | 11/15/91 | 9/30/95 |
| | Mr. F. O'Neil Jones* | 11/15/91 | 9/30/95 |
| | Mr. Wallace M. Slatinsky* (**Resigned**) | 11/15/91 | 9/30/95 |
| | Mr. Rondal E. Sharpe* [**UT**—Slatinsky*] | 5/11/94 | 9/30/95 |
| **TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM**—see **RETIREMENT SYSTEM** | | | |
| **TEACHING, NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF** | | | |
| Ch. 479, Sec. 74, 1985 S.L. | | Term–four years | |
| (Lt. Gov.) | Ms. Toni Fitzpatrick* | 7/20/93 | 6/30/97 |
| | Mrs. Jane McGrigor Forde* | 7/20/93 | 6/30/97 |
| (Speaker) | Mr. Young Allen* | 1/7/94 | 6/30/97 |
| | Mrs. Dottie Thornburg* | | |
| **TEACHING FELLOWS COMMISSION, NORTH CAROLINA** | | | |
| G.S. 115C–363.23(a) | | Term–four years/staggered | |
| (Lt. Gov.) | Lt. Governor Dennis A. Wicker (Ch) | | |
| | Ms. Helen Euliss* | 7/22/92 | 6/30/96 |
| | Mrs. Joyce Wood Byrd* | 7/6/93 | 6/30/97 |
| | Mr. Johnny W. Shepherd* | 7/18/91 | 6/30/95 |
| (Speaker) | Ms. Jeannette Beckwith* | 8/2/91 | 6/30/95 |
| | Mrs. Marydell R. Bright* | 7/30/93 | 6/30/97 |
| | Dr. Leroy T. Walker* | 8/3/92 | 6/30/96 |
| **TELECOMMUNICATIONS**—see **PUBLIC TELECOMMUNICATIONS** | | | |
| **TELEVISION, UNC CENTER FOR PUBLIC—BOARD OF TRUSTEES** | | | |
| G.S. 116–37.1 | | Term–two years | |
| (Lt. Gov.) | Mr. Charles T. L. Anderson* (**Resigned**) | 7/26/93 | 6/30/95 |
| | Mrs. Beverly McCraken* [**UT**–Anderson] | 10/21/93 | 6/30/95 |
| (Speaker) | Yvette D. Ruffin* | 10/14/93 | 6/30/95 |
| **THERAPEUTIC RECREATION CERTIFICATION BOARD, NORTH CAROLINA** | | Term–three years/staggered | |
| G.S. 90C–5 | | | |
| (Lt. Gov.) | Mrs. Lula Bell Herring* | 7/1/94 | 6/30/97 |
| | Mr. Randy Thomas Ray* (**Resigned**) | 7/22/92 | 6/30/95 |
| | Mr. Wayne M. Pollock* [**UT**—Ray*] | 6/6/94 | 6/30/95 |
| (Speaker) | Mr. Charles M. Johnson* | 8/3/92 | 6/30/95 |
| | Mr. Raymond E. West* | 10/11/93 | 6/30/96 |
| **TRANSPORTATION, NORTH CAROLINA BOARD OF** | | Term–two years | |
| G.S. 143B–350(d) | | | |
| (Lt. Gov.) | Mr. Peter A. Pappas* | 7/1/93 | 6/30/95 |
| (Speaker) | Mr. Robert James Burford, Esq.* | 7/28/93 | 6/30/95 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| Lieutenant Governor/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **TRAVEL AND TOURISM, GOVERNOR'S ADVISORY COMMISSION ON** | | | |
| Executive Order No. 112 | | Term–Pleasure of appointive authority | |
| (Lt. Gov.) | Senator Tommy Pollard | 4/17/91 | |
| | Senator Robert G. Shaw | | |
| (Speaker) | Rep. John J. Hunt | 3/11/93 | 1/30/95 |
| | Rep. Ronald L. Smith | | |
| **VAGABOND SCHOOL OF THE DRAMA, INC. AND THE FLAT ROCK PLAYHOUSE, BOARD OF TRUSTEES** | | | |
| By–Laws/Art. II, Sec. 1 | | | Term–two years |
| (Lt. Gov.) | Senator David W. Hoyle | 2/22/93 | 1/31/95 |
| | Senator Clark Plexico | | |
| (Speaker) | Rep. N. J. Crawford | 3/10/93 | 1/30/95 |
| | Rep. Marie Watters Colton | | |
| **VETERINARY MEDICAL BOARD, NORTH CAROLINA** | | | Term–five years |
| G.S. 90–182—see Ch. 500, Sec. 3, 1993 S.L. (H.B. 747) | | | |
| (Lt. Gov.) | Dr. E. Clinton Lowry* | 7/1/91 | 6/30/96 |
| (Speaker) | Dr. David E. Brooks, D.V.M.* | 8/3/92 | 6/30/97 |
| **WASTE MANAGEMENT BOARD, GOVERNOR'S** | | | Term–two years |
| G.S. 143B–285.12—**Repealed**—see Ch. 501, Sec. 1, 1993 S.L. | | | |
| (Lt. Gov.) | Mr. C. David Hughes, Jr.* | 7/20/93 | 6/30/95 |
| (Speaker) | Mr. Lewis A. Brandon III* | 7/30/91 | 6/30/93 |
| **WESTERN NC ARBORETUM**—see **ARBORETUM** | | | |
| **WILDLIFE RESOURCES COMMISSION, NORTH CAROLINA** | | | Term–two years |
| G.S. 143–240—see also Ch. 684, Sec. 13, 1993 S.L. (S.B. 591) | | | |
| (Lt. Gov.) | Mr. John Edward Pechmann* | 7/20/93 | 4/24/95 |
| (See also Appointments of President *Pro Tempore*) | | | |
| (Speaker) | Mrs. Susan L. Allen* **(Resigned)** | 7/27/93 | 4/24/95 |
| | Mr. James B. Black, Jr.* **[UT**—Allen*] | 7/22/94 | 4/24/95 |

NOTE: Appointments made between **1989** and **1992** were made by the following:
**Lieutenant Governor**—The Honorable James C. Gardner

Appointments made between **1989** and **1990** were made by the following:
**Speaker of the House of Representatives**—
The Honorable Josephus L. Mavretic

* Citizen Appointee
[UT]—Filling Unexpired Term

# APPOINTMENTS

## SHARED BY THE SENATE PRESIDENT PRO TEMPORE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The following appointments to Boards, Commissions and Committees were made during 1993 and 1994 by the Honorable Marc Basnight, President *Pro Tempore* of the Senate and by the Honorable Daniel T. Blue, Jr., Speaker of the House of Representatives (confirmed by documents on file).

Chapters 555, 563, 773, and 774 of the 1993 Session Laws, were enacted in compliance with G.S. 120–121 which outlines the procedure for legislative appointments. Vacancies occurring in legislative appointments are addressed in G.S. 120–122.

Appointments prior to 1993 were made by a former President *Pro Tempore* and prior to 1991 by a former Speaker but remain in effect.

| | | Appointed | Expires |
|---|---|---|---|
| **ACUPUNCTURE LICENSING BOARD** | | Term–three years/staggered | |
| G.S. 90–453—see Ch. 303, 1993 S.L. (S.B. 422) | | | |
| (Pro Tem) | Ms. Page Paterson* | 8/3/93 | 6/30/95 |
| | Ms. Mary Cissy Majebe* | | |
| (Speaker) | Ms. Diane L. Hawes* | 11/2/93 | 6/30/95 |
| | Dr. Philip R. Ricker* | 11/2/93 | 6/30/96 |
| **ADULT GUARDIANSHIP COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Ollie Harris (Co–Ch) | 11/8/93 | |
| | Senator John B. Codington (**Deceased**) | | |
| | Senator Roy A. Cooper, III | | |
| | Senator Jim Richardson | | |
| | Senator Lura Tally | | |
| | Mr. J.C. Cole* | | |
| | Mr. Joe Tunstall, Jr.* | | |
| | Senator Patrick Ballantine [**UT**—Codington] | 4/14/94 | |
| (Speaker) | Rep. Karen E. Gottovi (Co–Ch) | 12/1/93 | |
| | Rep. Charlotte Gardner | | |
| | Rep. James P. Green, Sr. | | |
| | Rep. Robert C. Hayes | | |
| | Rep. William O. Richardson | | |
| | Rep. Estus B. White | | |
| | Ms. Jean Butterfield* | | |
| (LRC Coordinator) | Representative Bertha B. Holt | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **ADVISORY BUDGET COMMISSION** | | Term–Pleasure of appointive authority | |
| G.S. 143–4 | | | |
| (Pro Tem) | Senator George B. Daniel | 4/22/93 | |
| | Senator William N. Martin | | |
| | Senator T. L. Odom | | |
| | Senator Beverly M. Perdue | | |
| | Senator Aaron W. Plyler | | |
| (Speaker) | Rep. Theresa H. Esposito | 5/19/93 | 1/31/95 |
| | Rep. Milton F. Fitch, Jr. | | |
| | Rep. Aaron E. Fussell | | |
| | Rep. George W. Miller, Jr. | | |
| | Rep. Martin L. Nesbitt, Jr. | | |
| **AGING, NORTH CAROLINA STUDY COMMISSION** | | Term–two years | |
| G.S. 120–182 | | | |
| (Pro Tem) | Senator Robert C. Carpenter | 9/15/93 | 7/1/95 |
| | Senator Betsy L. Cochrane | | |
| | Senator R.L. Martin | | |
| | Senator David R. Parnell | | |
| | Senator James D. Speed | | |
| | Ms. Judy Beam* | | |
| | Ms. Kimberly D. Berry* | | |
| | Ms. Margaret Hardee* | | |
| (Speaker) | Rep. James Green (Co–Ch) | 1/6/94 | |
| | Rep. Narvel J. Crawford | | |
| | Rep. Zeno L. Edwards, Jr. | | |
| | Rep. Julia C. Howard | | |
| | Rep. Charles L. McLawhorn | | |
| | Mrs. Mickey Hanula* | | |
| | Mr. Robert O. Hill, Jr.* | | |
| | Mr. Kenneth M. McIntyre* | | |
| **AIR CARGO AIRPORT AUTHORITY, NORTH CAROLINA, BOARD OF DIRECTORS**—see **GLOBAL TRANSPARK** | | | |
| G.S. 63A–3—**Renamed**—see Ch. 777, Sec. 4, 1993 S.L. (S.B. 1504) | | | |
| **AIR QUALITY COMPLIANCE ADVISORY PANEL** | | Term–four years/staggered | |
| G.S. 143B–318 | | | |
| (Pro Tem) | Ms. Joan Morrow* | 10/17/94 | 12/31/97 |
| (Speaker) | Ms. Joan Maxwell* | 9/29/94 | 12/31/96 |
| **ALCOHOLIC BEVERAGE CONTROL COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Jim Richardson (Co–Ch)(**Resigned**) | 11/17/93 | |
| | Senator J. Richard Conder (Co–Ch) | 9/21/94 | |
| | Senator Ollie Harris | 11/17/93 | |
| | Senator Fletcher L. Hartsell, Jr. | | |
| | Senator Ted Kaplan | | |
| | Mr. Melvin Daniel* | | |
| | Mr. Jim Hobbs* | | |
| | Mr. Mike Kelly* | | |
| | Mr. David T. Sparrow* | | |
| | Senator David Hoyle | 9/21/94 | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **ALCOHOLIC BEVERAGE CONTROL COMMITTEE/LRC** (Continued) | | | |
| (Speaker) | Rep. Robert Hensley, Jr. (Co–Ch) | 12/8/93 | |
| | Rep. James B. Black | | |
| | Rep. Robert Grady | | |
| | Rep. Joseph S. Lemmond | | |
| | Rep. Henry M. Michaux, Jr. | | |
| | Rep. Richard T. Morgan | | |
| | Rep. Jane H. Mosley | | |
| | Rep. Ronnie N. Sutton | | |
| (LRC Coordinator) Representative Harold J. Brubaker | | | |
| **ALTERNATIVE SCHOOLS COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Linda Gunter (Co–Ch) | 11/17/93 | |
| | Senator Donald R. Kincaid | | |
| | Senator Jim Richardson | | |
| | Senator Ed Warren | | |
| | Dr. Yvonne S. Brannon* | | |
| | Mr. Sid Eley* | | |
| | Dr. Joe Nelson* | | |
| (Speaker) | Rep. James B. Black (Co–Ch) | 12/1/93 | |
| | Rep. Mary E. McAllister | | |
| | Rep. Jean R. Preston | | |
| | Rep. George S. Robinson | | |
| | Rep. William L. Wainwright | | |
| | Rep. Alex Warner | | |
| | Rep. Wade F. Wilmoth | | |
| | Ms. Betty Brodef* | | |
| | Mr. Gregory C. Malhoit* | | |
| | Mr. Calvin Wallace, Jr.* | 1/20/94 | |
| (LRC Coordinator) Representative W. Pete Cunningham | | | |
| **ALZHEIMER'S**—see **AGING, NORTH CAROLINA STUDY COMMISSION** | | | |
| **AQUACULTURE ADVISORY BOARD** | | Term–Not specified | |
| G.S. 106–760 | | | |
| (Pro Tem) | Senator Charlie Albertson | 1/14/94 | 12/31/94 |
| (Speaker) | Rep. Vernon G. James | 3/9/93 | 1/30/95 |
| **AQUARIUMS COMMISSION, NORTH CAROLINA** | | Term–four years | |
| G.S. 143B–390.15—see also Ch. 321, Sec. 28, 1993 S.L. (S.B. 27) | | | |
| (Pro Tem) | Mr. Ray White* | 7/1/92 | 7/1/96 |
| | Mrs. Ina Evans* | | |
| | Mr. Rick Willetts* | | |
| | Mr. John Weyerhaeuser* | | |
| (Speaker) | Mr. Marion E. "Buddy" Lowry* | 10/15/92 | |
| | Mrs. Connie Parker* | | |
| | Ms. Jane Peterson* | | |
| | Mr. Andrew B. Pond* | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **BLIND, CONSUMER AND ADVOCACY ADVISORY COMMITTEE FOR THE** | | | |
| G.S. 143B–164 | | | Term two–years |
| (Pro Tem) | Senator Luther Jordan | 1/14/94 | 6/30/95 |
| (Speaker) | Rep. Marth B. Alexander | 8/25/93 | 6/30/95 |
| **BUDGET PRACTICES STUDY COMMISSION** | | Report–Convening 1995 Session | |
| Ch. 321, Sec.22, 1993 S.L. (S.B. 27); Ch. 24, Sec. 55, 1994 Extra S.L. (S.B. 150) | | | |
| (Pro Tem) | Senator Aaron W. Plyler (Co–Ch) | 9/1/93 | |
| | Senator John B. Codington **(Deceased)** | | |
| | Senator George B. Daniel | | |
| | Senator R. L. Martin | | |
| | Senator William N. Martin | | |
| | Senator J. Clark Plexico | | |
| | Mr. Anthony E. Rand* | 1/14/94 | |
| | Senator Betsy L. Cochrane [**UT**—Codington] | 3/14/94 | |
| (Speaker) | Rep. Martin L. Nesbitt, Jr. (Co–Ch) | 12/22/93 | |
| | Rep. David H. Diamont | | |
| | Rep. Theresa H. Esposito | | |
| | Rep. Joe Hackney | | |
| | Rep. H. Mickey Michaux, Jr. | | |
| | Rep. George W. Miller, Jr. | | |
| | Hon. Donald R. Vaughan* | 2/1/94 | |
| **BUSINESS AND CONSUMER ADVISORY COUNCIL—** see **VOCATIONAL REHABILITATION ADVISORY COUNCIL** | | | |
| **CANCER COORDINATION AND CONTROL, ADVISORY COMMITTEE ON** | | | |
| G.S. 130A–33.50—see Ch. 321, Sec. 288, 1993 S.L. | | Term–four–years/staggered | |
| (Pro Tem) | Senator John Codington **(Deceased)** | 11/22/93 | 6/30/95 |
| | Senator Ollie Harris | 11/22/93 | 6/30/97 |
| | Senator T.L. "Fountain" Odom | 11/22/93 | 6/30/97 |
| | Mrs. Linda Hoyle* | 11/22/93 | 6/30/95 |
| | Senator Robert C. Carpenter [**UT**—Codington] | 3/14/94 | 6/30/95 |
| (Speaker) | Rep. J. Fred Bowman | 1/5/94 | 6/30/97 |
| | Rep. Walter W. Dickson | 1/5/94 | 6/30/95 |
| | Rep. Thomas E. Wright | 1/5/94 | 6/30/95 |
| | Mr. Chuck Stone* | 1/5/94 | 6/30/97 |
| **CAPITAL PLANNING COMMISSION** | | Term–Coincides with term of Office | |
| G.S. 143B–374 | | | |
| (Pro Tem) | Senator Joseph E. Johnson | 4/29/93 | 1/25/95 |
| | Senator Elaine F. Marshall | | |
| | Senator Robert G. Shaw | | |
| | Senator J. K. Sherron | | |
| (See also Appointment of Lt. Governor) | | | |
| (Speaker) | Rep. Peggy Stamey (Designee)**(Resigned)** | 3/9/93 | 1/30/95 |
| | Rep. J. Sam Ellis | | |
| | Rep. Robert J. Hensley | | |
| | Rep. Erin Kuczmarski | | |
| | Rep. Brad Miller | | |
| | Rep. Jane H. Mosley [**UT**–Stamey] | 9/14/93 | 1/30/95 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **CAPITOL PRESERVATION COMMISSION** | | Term–four years/staggered | |
| G.S. 143B–80.8—see Ch. 682, 1993 S.L. (H.B. 1774) | | | |
| (Pro Tem) | Hon. Franklin L. Block* | 7/20/94 | 6/30/96 |
| | Mr. Lee Fowlkes* | 7/20/94 | 6/30/96 |
| | Mr. Robert E. Stipe* | 7/20/94 | 6/30/96 |
| (See also Appointment of Lt. Governor) | | | |
| (Speaker) | Hon. William A. Creech* | 8/3/94 | 6/30/96 |
| | Mr. Philip G. Freelon* | 8/3/94 | 6/30/98 |
| | Hon. Derryl Garner* | 8/3/94 | 6/30/96 |
| **CHEROKEE/EASTERN BAND, NORTH CAROLINA ADVISORY COUNCIL ON** | | | |
| G.S. 143B–411.1 | | Term–two years | |
| (Pro Tem) | Senator Herbert L. Hyde | 10/18/94 | 9/30/96 |
| (Speaker) | Rep. Charles M. Beall | 6/21/94 | 6/30/96 |
| **CHILD CARE COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Russell G. Walker (Co–Ch) | 11/8/93 | |
| | Senator Austin Allran | | |
| | Senator Ted Kaplan (**Resigned**) | | |
| | Senator Jeanne Lucas | | |
| | Ms. Nancy Lamb* | | |
| | Mr. John Niblock* | | |
| | Ms. Sue Russell* | | |
| | Senator Jim Richardson [**UT**–Kaplan] | 11/22/93 | |
| (Speaker) | Rep. Howard J. Hunter, Jr. (Co–Ch) | 12/1/93 | |
| | Rep. Dock M. Brown | | |
| | Rep. Bobby H. Griffin | | |
| | Rep. Robert C. Hayes | | |
| | Rep. William O. Richardson | | |
| | Rep. Constance K. Wilson | | |
| | Ms. Margaret R. Murry* | | |
| | Mr. Ted Frank Kiker* | 1/18/94 | |
| (LRC Coordinator) | Senator Frank W. Ballance, Jr. | | |
| **CHILD FATALITY TASK FORCE, NORTH CAROLINA** | | | |
| G.S. 143–574—see Ch. 321, Sec. 285; Ch. 769, Sec. 27.8, (SB 1505) 1993 S.L. | | | |
| | | Term–Pleasure of appointive authority | |
| (Pro Tem) | Senator Roy A. Cooper III | 8/31/92 | |
| | Senator William N. Martin | | |
| | Mr. Michael Bowling* | 9/16/92 | |
| | Mr. George W. Graham, Jr.* (**Resigned**) | | |
| | Mr. Freddy W. Narron* | | |
| | Dr. Des Runyon* | | |
| | Mr. Ronald Stephens* (**Resigned**) | | |
| | Ms. Patsy Kinsey* [**UT**—Graham*] | 8/16/93 | |
| | Mr. Thomas H. Lock* [**UT**—Stephens] | 9/13/93 | |
| | Senator Austin M. Allran | 8/18/94 | |
| | Senator Elaine Marshall (**Resigned**) | 8/18/94 | |
| | Senator R. L. Martin | 8/18/94 | |
| | Senator Leslie Winner [**UT**—Marshall] | 9/21/94 | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **CHILD FATALITY TASK FORCE, NORTH CAROLINA** (Continued) | | | |
| (Speaker) | Rep. Ruth M. Easterling | 9/28/92 | |
| | Rep. Paul Luebke | 9/28/92 | |
| | Mr. William C. Crawford, Jr.* | 9/28/92 | |
| | Dr. Thomas E. Frothingham* | 9/28/92 | |
| | Ms. Marcia E. Herman–Giddens* | 9/28/92 | |
| | Mr. Larry King* | 9/28/92 | |
| | Ms. Mary Watson Nooe* | 9/28/93 | |
| | Rep. Bobby H. Griffin | 9/29/94 | 1/31/97 |
| | Rep. Bertha M. Holt | 9/29/94 | 1/31/97 |
| | Rep. Thomas E. Wright | 9/29/94 | 1/31/97 |
| **CHILD SUPPORT COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Alexander Sands, III (Co–Ch) | 11/9/93 | |
| | Senator R.L. Martin | | |
| | Senator William Martin | | |
| | Senator Robert Shaw | | |
| | Senator Leslie Winner | | |
| | Mr. Kenneth C. Titus* | | |
| | Ms. Francis Walker* | | |
| (Speaker) | Rep. Joe Hackney (Co–Ch) | 12/1/93 | |
| | Rep. Joanne W. Bowie | | |
| | Rep. William T. Culpepper, III | | |
| | Rep. Bobby H. Griffin | | |
| | Rep. George M. Holmes | | |
| | Rep. Annie B. Kennedy | | |
| | Rep. Carolyn B. Russell | | |
| | Ms. Linda Johnson* | | |
| (LRC Coordinator) | Senator Frank Ballance | | |
| **CHILDREN BIRTH TO 5 YEARS WITH DISABILITIES AND THEIR FAMILIES, INTERAGENCY COORDINATING COUNCIL FOR** | | Term–two years | |
| G.S. 143B–179.5—see Ch. 487 1993 S.L. (S.B. 544) | | **Report**–Annually | |
| (Pro Tem) | Senator Frank W. Ballance, Jr. | 10/12/92 | 7/1/94 |
| | Senator Helen R. Marvin | | |
| (Speaker) | Rep. Martha B. Alexander | 6/21/94 | 7/1/96 |
| | Rep. Jane H. Mosley | 6/21/94 | 7/1/96 |
| **CHILDREN, PARTNERSHIP FOR INC., NORTH CAROLINA BOARD OF DIRECTORS** | | **Report**–By 4/1/94 and 3/1/95 | |
| 143B–168.11—see Ch. 321, Sec. 254, 1993 S.L. (S.B. 27) | | | |
| (Pro Tem) | Senator Frank Ballance | 9/17/93 | 8/31/95 |
| | Senator Ollie Harris | 9/27/94 | 8/30/97 |
| | Senator J. Clark Plexico | 9/17/93 | 8/31/96 |
| | Senator Lura Tally | 9/17/93 | 8/31/95 |
| | Senator Marvin Ward | 9/17/93 | 8/31/96 |
| | Dr. William R. Capps* | 9/27/94 | 8/30/97 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **CHILDREN, PARTNERSHIP FOR INC., NORTH CAROLINA BOARD OF DIRECTORS** (Continued) | | | |
| (Speaker) | Rep. Robert C. Hayes | 9/29/93 | 8/31/95 |
| | Rep. Bertha M. Holt | 9/29/93 | 8/31/96 |
| | Rep. Warren C. Oldham | 9/29/93 | 8/31/95 |
| | Reverend Willie F. McIntosh, Jr.* | 9/29/93 | 8/31/96 |
| | Rep. Paul Luebke | 9/12/94 | 8/31/97 |
| | Ms. Judy Hoffman* | 9/12/94 | 8/31/97 |
| **CHILDREN AND YOUTH, GOVERNOR'S ADVOCACY COUNCIL ON** | | | |
| G.S. 143B–415 | | Term–four years | |
| (Pro Tem) | Senator Richard Conder | 1/14/94 | 6/30/97 |
| | Senator Luther Jordan, Jr. | | |
| (Speaker) | Rep. Ruth Easterling | 8/19/93 | 6/30/97 |
| | Rep. Howard J. Hunter, Jr. | | |
| **CHILDREN WITH SPECIAL NEEDS, COMMISSION ON** | | | |
| G.S. 120–58 | | Term–Pleasure of appointive authority | |
| (Pro Tem) | Senator Ollie Harris | 8/26/93 | |
| | Senator Jeanne Lucas | | |
| | Senator Marvin Ward | | |
| | Dr. Sudesh Kataria* | 10/21/93 | |
| (Speaker) | Rep. Howard C. Barnhill | 10/6/93 | '95 Session |
| | Rep. Theresa H. Esposito | | |
| | Rep. Dock M. Brown | | |
| | Ms. Sally Sloop* | | |
| **CHIROPRACTIC CARE COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Fountain Odom (Co–Ch) | 11/23/93 | |
| | Senator Richard Conder | | |
| | Senator Luther Jordan | | |
| | Mr. Johm Humphrey* | | |
| | Mr. Frank Kivett* | | |
| | Mr. Leroy Smith* | | |
| | Senator Patrick Ballantine [**UT**—Codington] | 4/14/94 | |
| (Speaker) | Rep. Erin J. Kuczmarski (Co–Ch) | 12/28/93 | |
| | Rep. Bobby R. Hall | | |
| | Rep. John J. Hunt | | |
| | Rep. Larry T. Justus | | |
| | Rep. Paul R. McCrary | | |
| | Rep. John M. Nichols | | |
| | Rep. Ronnie N. Sutton | | |
| (LRC Coordinator) Representative Vernon G. James | | | |
| **COMMUNITY COLLEGE CAPITAL NEEDS, LEGISLATIVE STUDY COMMISSION** | | **Report**–Final by convening 1995 Session | |
| Ch. 542, Sec. 11, 1993 S.L. (SB 14); Ch. 24, Sec. 56, 1994 Extra S.L. (SB 150) | | | |
| (Pro Tem) | Senator Beverly M. Perdue | 8/26/93 | |
| | Senator J. Richard Conder | | |
| | Senator Paul S. Smith | | |
| | Senator Lura Tally | | |
| | Senator Ed Warren | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **COMMUNITY COLLEGE CAPITAL NEEDS, LEGISLATIVE STUDY COMMISSION** (Continued) | | | |
| (Speaker) | Rep. Hugh A. Lee (Co–Ch) | 11/16/93 | |
| | Rep. Ed Bowen | | |
| | Rep. Lyons Gray | | |
| | Rep. Warren C. Oldham | | |
| | Rep. Gene Rogers | | |
| **COMPENSATION SYSTEM FOR STATE EMPLOYEES, TASK FORCE ON THE IMPLEMENTATION OF A** | | | |
| G.S. 126–4—see Ch. 388, Sec. 3, 1993 S.L. (S.B. 84) | | **Report**–By 3/1/94 | |
| (Pro Tem) | Senator Howard N. Lee | 11/4/93 | 2/1/95 |
| | Senator William N. Martin | | |
| | Senator J. K. Sherron | | |
| (Speaker) | Rep. Milton F. Fitch, Jr. | 1/6/94 | 2/1/95 |
| | Rep. Robert J. Hensley, Jr. | | |
| | Rep. Carolyn B. Russell | | |
| **CONSUMER PROTECTION COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Fred Folger, Jr. (Co–Ch) | 11/18/93 | |
| | Senator John H. Kerr, III | | |
| | Senator Fletcher L. Hatsell, Jr. | | |
| | Senator Luther Jordan, Jr. | | |
| | Senator David Parnell | | |
| | Mr. Ricky Harrell* | | |
| | Mr. Floyd Lupton* | | |
| (Speaker) | Rep. Ruth M. Easterling (Co–Ch) | 12/1/93 | |
| | Rep. Charles M. Beall | | |
| | Rep. E. Nelson Cole | | |
| | Rep. Herman C. Gist | | |
| | Rep. Kenneth O. Spears, Jr. | | |
| | Rep. Gregory J. Thompson | | |
| | Rep. Constance K. Wilson | | |
| | Mr. Robert M. Schofiled* | | |
| | Mr. Clayton Rawn* | 12/17/93 | |
| (LRC Coordinator) Representative Bertha M. Holt | | | |
| **CORRECTIONS OVERSIGHT COMMITTEE, JOINT LEGISLATIVE** | | | |
| G.S. 120–70.93—see Ch. 24, Sec. 49, 1994 Extra S.L. (S.B. 150) | | Term–two years | |
| (Pro Tem) | Senator Fountain Odom (Co–Ch) | 9/20/94 | |
| | Senator Frank Ballance | | |
| | Senator Betsy Cochrane | | |
| | Senator David R. Parnell | | |
| | Senator Robert G. Shaw | | |
| | Senator Dan R. Simpson | | |
| | Senator James D. Speed | | |
| | Senator Leslie Winner | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **CORRECTIONS OVERSIGHT COMMITTEE, JOINT LEGISLATIVE** (Continued) | | | |
| (Speaker) | Rep. Bertha M. Holt (Co–Ch) | 9/13/94 | |
| | Rep. Anne C. Barnes | | |
| | Rep. Joanne W. Bowie | | |
| | Rep. Milton F. Fitch, Jr. | | |
| | Rep. Robert J. Hensley, Jr. | | |
| | Rep. George M. Holmes | | |
| | Rep. George S. Robinson | | |
| | Rep. Michael S. Wilkins | | |
| **COURTS COMMISSION, NORTH CAROLINA** | | | Term four–years |
| G.S. 7A–506—see Ch. 438, 1993 S.L. (H.B. 1157) | | | |
| (Pro Tem) | Senator John G. Blackmon | 11/19/93 | 6/30/95 |
| | Senator George B. Daniel | 1/11/94 | 6/30/95 |
| | Senator Wilbur P. Gulley | 11/19/93 | 6/30/95 |
| | Senator Elaine F. Marshall | 11/19/93 | 6/30/95 |
| | Mr. Bob Burchette* | 11/19/93 | 6/30/97 |
| | Mr. Phillip Ginn* | 11/19/93 | 6/30/97 |
| | Mr. J. Carl Hayes | 11/19/93 | 6/30/97 |
| (See also Appointments of Lieutenant Governor) | | | |
| (Speaker) | Rep. R. Hunter | 9/6/91 | 6/30/95 |
| | Rep. Annie B. Kennedy | 9/6/91 | 6/30/95 |
| | Rep. Donald M. Dawkins (**Resigned**) | 9/6/91 | 6/30/95 |
| | Rep. Robert J. Hensley, Jr. | 10/7/93 | 6/30/97 |
| | Rep. H. Mickey Michaux, Jr. [**UT**–Dawkins] | 10/7/93 | 6/30/95 |
| | Rep. David T. Falherty, Jr. | 10/7/93 | 6/30/97 |
| | Mr. George T. Griffin* | 10/7/93 | 6/30/97 |
| **CRIME COMMISSION** | | | Term–two years |
| G.S. 143B–478 | | | |
| (Pro Tem) | Senator Charles W. Albertson | 8/4/93 | 2/28/95 |
| | Senator James D. Speed | | |
| (Speaker) | Rep. Henry M. Michaux, Jr. | 3/8/93 | 1/30/95 |
| | Rep. Robert J. Hensley, Jr. | | |
| **CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD, STATE** | | | |
| G.S. 143B–272.6—see Ch. 534, 1993 S.L. (H.B. 281) | | Terms–three years/staggered | |
| (Pro Tem) | Senator Roy Cooper | 11/4/93 | 11/30/94 |
| | Ms. Faye D. Boyd* | 11/4/93 | 11/30/96 |
| | Hon. Earnest Wright* | 11/4/93 | 11/30/95 |
| (See also Appointments of Lt. Governor) | | | |
| (Speaker) | Rep. Betha M. Holt | 6/21/94 | 6/30/97 |
| | Mr. Darrell Hancock* | 1/18/94 | 6/30/96 |
| | Hon. Zee B. Lamb* | 1/18/94 | 6/30/95 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **CRIMINAL LAW COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | | **Report**–1994; 1995 Session |
| (Pro Tem) | Senator R.C. Soles (Co–Ch) | 11/8/93 | |
| | Senator Frank Ballance | | |
| | Senator Jerry Blackmon | | |
| | Senator Luther Jordan | | |
| | Senator Alexander Sands | | |
| | Honorable Coy Brewer* | | |
| | Mr. Jerry Tillet* | | |
| | Mr. H.P. Williams, Jr.* | 11/18/93 | |
| | Senator Linda Gunter | 9/20/94 | |
| (Speaker) | Rep. Henry M. Michaux (Co–Ch) | 12/1/93 | |
| | Rep. David G. Balmer | | |
| | Rep. David T. Flaherty, Jr. | | |
| | Rep. Paul R. McCrary | | |
| | Rep. E. David Redwine | | |
| | Rep. Ronnie N. Sutton | | |
| | Ms. Belinda J. Foster* | | |
| | Judge Ernest Fullwood* | | |
| | Mr. Robert Brown, Jr.* | 2/2/94 | |
| | Hon. Ralph S. Knott* | 2/2/94 | |
| (LRC Coordinator) Representative Bertha M. Holt | | | |
| **CULTURAL RESOURCES COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | | **Report**–1994; 1995 Session |
| (Pro Tem) | Senator Mary Seymour (Co–Ch)**(Deceased)** | 11/22/93 | |
| | Senator Betsy Cochrane | | |
| | Senator C.R. Edwards | | |
| | Senator Herbert L. Hyde | | |
| | Mr. Gather Schrum* | | |
| | Dr. W. Keats Sparrow* | | |
| | Ms. Peggy Watts* | | |
| | Senator Luther Jordan (Co–Ch) | 9/20/94 | |
| (Speaker) | Rep. William L. Wainwright (Co–Ch) | 12/8/93 | |
| | Rep. Cherie K. Berry | | |
| | Rep. Narvel J. Crawford | | |
| | Rep. Foyle Hightower | | |
| | Rep. Julia C. Howard | | |
| | Rep. Clarence P. Stewart | | |
| | Rep. Thomas E. Wright | | |
| (LRC Coordinator) Representative Marie W. Colton | | | |
| **DAY CARE FACILITY TASK FORCE** | | | |
| Ch. 769, Sec. 11.6(b), 1993 S.L. (S.B. 1505) | | | **Report**–1995 Session |
| (Pro Tem) | Senator Jeanne H. Lucas | 9/28/94 | |
| | Ms. Diana Jones Wilson* | 11/2/94 | |
| (Speaker) | Rep. Marie W. Colton | 10/4/94 | |
| | Mr. Christopher E. McClure, AIA* | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **DEAF AND HARD OF HEARING, NORTH CAROLINA COUNCIL FOR THE** | | | |
| G.S. 143B–216.32(a)—see Ch. 551, Sec. 1, 1993 S.L. (H.B. 505) | | | Term–four years |
| (Pro Tem) | Senator Daniel R. Simpson | 8/31/93 | |
| (Speaker) | Rep. Martha B. Alexander | 11/15/93 | |

**DISCRIMINATION IN EMPLOYMENT, ALTERNATIVE APPROACH TO DEAL WITH/LRC**—see **EMPLOYMENT PROCEDURES/LRC**

**DRIVER EDUCATION STUDY/LRC**—see **EDUCATION OVERSIGHT COMMITTEE**

Ch. 321, Sec. 144.3, 1993 S.L.—Transferred per G.S. 120–30.17(1)—see also Ch. 24, Sec. 59, 1994 Extra S.L.

| **EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES, JOINT LEGISLATIVE OVERSIGHT COMMITTEE** | | | |
|---|---|---|---|
| G.S. 120–70.90—see Ch. 321, Sec. 259; Ch. 561, Sec. 15, 1993 S.L. | | | Term–two years |
| (Pro Tem) | Senator Leslie J. Winner (Co–Ch) | 10/27/93 | 95 Session |
| | Senator Austin Allran | | |
| | Senator J. Richard Conder | | |
| | Senator C. R. Edwards | | |
| | Senator Russell G. Walker | | |
| | Senator Marvin Ward | | |
| (Speaker) | Rep. Howard J. Hunter, Jr. (Co–Ch) | 10/7/93 | |
| | Rep. Joanne W. Bowie | | |
| | Rep. Carolyn B. Russell | | |
| | Rep. Ruth M. Easterling | | |
| | Rep. Brad Miller | | |
| | Rep. Edd Nye | | |

| **ECONOMIC DEVELOPMENT BOARD** | | | Term–four years/staggered |
|---|---|---|---|
| G.S. 143B–434—see Ch. 321, Sec. 313 (S.B. 27); Ch. 561, Sec. 12 (S.B. 26), 1993 S.L. | | | |
| (Pro Tem) | Senator Elaine F. Marshall | 8/5/93 | 6/30/97 |
| | Senator David W. Hoyle | 8/5/93 | 6/30/97 |
| | Senator C.R. Edwards | 8/5/93 | 6/30/95 |
| | Senator Ian Theodore Kaplan | 8/5/93 | 6/30/95 |
| (See also Appointments of Lieutenant Governor) | | | |
| (Speaker) | Rep. E. David Redwine (Designee) | 3/8/93 | 1/30/95 |
| | Rep. Jack Hunt | 9/13/93 | 7/1/97 |
| | Rep. George S. Robinson | 9/13/93 | 7/1/95 |
| | Rep. H. Mickey Michaux, Jr. | 9/13/93 | 7/1/97 |

| **ECONOMIC DEVELOPMENT COMMISSION, NORTHEASTERN NORTH CAROLINA REGIONAL** | | | Term–four years |
|---|---|---|---|
| G.S. 158–8.2—see Ch. 321, Sec. 309.1, 1993 S.L. (S.B. 27) | | | **Report**–By 3/31 Annually |
| (Pro Tem) | Mr. Ray E. Hollowell, Jr.* | 10/27/93 | 1997 |
| | Mr. Sid M. Boyce, Jr.* | 10/27/93 | 1995 |
| | Honorable Troy L. Mayo* | 10/27/93 | 1997 |
| | Mrs. Mary P. Lilley* | 10/27/93 | 1997 |
| | Honorable Andrew B. Allen* | 10/27/93 | 1997 |

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* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **ECONOMIC DEVELOPMENT COMMISSION, NORTHEASTERN NORTH CAROLINA REGIONAL** (Continued) | | | |
| (Speaker) | Chancellor Jimmy R. Jenkins* | 10/26/93 | 6/30/97 |
| | Mr. Dallas Taylor* | 10/26/93 | 6/30/95 |
| | Mr. Grover L. Edwards, Sr.* | 10/26/93 | 6/30/97 |
| | Mr. John D. Hall* | 10/26/93 | 6/30/95 |
| | Mr. Charles H. Shaw, Jr.* | 10/26/93 | 6/30/95 |
| **ECONOMIC DEVELOPMENT COMMISSION, SOUTHEASTERN NORTH CAROLINA REGIONAL** | | Term–four years/staggered | |
| G.S. 158–8.3—see Ch. 321, Sec. 309.2, 1993 S.L. (S.B. 27) | | **Report**–By 3/31 Annually | |
| (Pro Tem) | Mr. Danny Fore* | 8/3/93 | 6/30/95 |
| | Mr. Jerry Munn* (**Resigned**) | 8/3/93 | 6/30/95 |
| | Mr. William W. Phipps* | 8/3/93 | 6/30/97 |
| | Ms. Jane Smith* | 8/3/93 | 6/30/97 |
| | Mr. Johnny Sutton* | 8/3/93 | 6/30/97 |
| | Mr. Wayne L. Lofton* [UT—Munn*] | 8/16/93 | 6/30/95 |
| (See also Appointments of Lt. Governor) | | | |
| (Speaker) | Mr. Rod Bullard* | 2/16/94 | 6/30/97 |
| | Mr. James Allen Cartrette* | 2/16/94 | 6/30/97 |
| | Mr. Windell Daniels* | 2/16/94 | 6/30/95 |
| | Mr. Robert Deese* | 2/16/94 | 6/30/97 |
| | Mr. James L. Smith* | 2/16/94 | 6/30/95 |
| **ECONOMIC DEVELOPMENT COMMISSION, WESTERN NORTH CAROLINA REGIONAL** | | Term–four years/staggered | |
| G.S. 158–8.1—see Ch. 321, Sec. 309 1993 S.L. (S.B.27) | | **Report**–By 3/31 annually | |
| (Pro Tem) | Mr. Matthew Bacoate* | 8/5/93 | 6/30/97 |
| | Mr. Giles D. Beal, III* | 8/5/93 | 6/30/97 |
| | Ms. Wanda Profitt* | 8/5/93 | 6/30/97 |
| | Ms. Juanita Dixon* | 8/5/93 | 6/30/95 |
| | Mr. David P. Huskins* | 8/5/93 | 6/30/95 |
| (See also Appointments of Lt. Governor) | | | |
| (Speaker) | Mr. R. Phillip Haire* | 1/18/94 | 6/30/95 |
| | Dr. Harry Jarrett* | 1/18/94 | 6/30/97 |
| | Mr. Gordon S. Myers* | 1/18/94 | 6/30/97 |
| | Ms. Leni Sitnick* | 1/18/94 | 6/30/95 |
| | Mr. Harold Stallcup* | 1/18/94 | 6/30/97 |
| **ECONOMIC IMPACT OF RULES COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator J.K. Sherron (Co–Ch) | 11/18/93 | |
| | Senator Jerry Blackmon | | |
| | Senator Howard Lee | | |
| | Senator Dennis J. Winner | | |
| | Mr. Bill Clark* | | |
| | Mr. Bo Lewis* | | |
| | Mr. Bo Taylor* | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **ECONOMIC IMPACT OF RULES COMMITTEE/LRC** (Continued) | | | |
| (Speaker) | Rep. E. David Redwine (Co–Ch) | 12/1/93 | |
| | Rep. Dock M. Brown | | |
| | Rep. E. Nelson Cole | | |
| | Rep. Anderson Cromer | | |
| | Rep. George M. Holmes | | |
| | Rep. Jane H. Mosley | | |
| | Mr. Justin Little* | | |
| | Mr. Michael I. Luger* | | |
| (LRC Coordinator) Representative Harold J. Brubaker | | | |

**ECONOMIC INCENTIVES TO LURE INDUSTRY, LEGISLATIVE STUDY COMMISSION ON** **Report**–By Convening 1995 Session

Ch. 561, Sec. 103, 1993 S.L. (SB 26); Ch. 24, Sec. 57, 1994 Extra S.L. (SB 150)

| | | | |
|---|---|---|---|
| (Pro Tem) | Senator J. Richard Conder (Co–Ch) | 8/23/94 | 4/15/94 |
| | Senator John H. Kerr III | | |
| | Senator Elaine F. Marshall | | |
| | Senator J. Clark Plexico | | |
| | Senator Robert G. Shaw | | |
| (Speaker) | Rep. Martin L. Nesbitt, Jr. (Co–Ch) | 11/12/93 | 4/15/94 |
| | Rep. Phillip A. Baddour,Jr. | | |
| | Rep. David G. Balmer | | |
| | Rep. C. Oldham | | |
| | Rep. Michael S. Wilkins | | |

**EDUCATION, LEGISLATIVE STUDY COMMISSION ON THE STATUS OF, AT THE UNIVERSITY OF NORTH CAROLINA** Term–Terminates upon final report

Ch. 321, Sec. 101.5 1993 S.L. (SB 27); Ch. 24, Sec. 60, 1994 Extra S.L. (SB 150)

**Report**–by 3/1/95

| | | | |
|---|---|---|---|
| (Pro Tem) | Senator David W. Hoyle (Co–Ch) | 8/4/93 | 2/15/95 |
| | Senator Betsy L. Cochrane | | |
| | Senator Howard N. Lee | | |
| | Senator Beverly M. Perdue | | |
| | Senator Marvin Ward | | |
| | Senator Dennis J. Winner | | |
| (Speaker) | Rep. Martin L. Nesbitt (Co–Ch) | 11/16/93 | 2/15/95 |
| | Rep. Anne C. Barnes | | |
| | Rep. James B. Black | | |
| | Rep. Milton F. Fitch, Jr. | | |
| | Rep. Robert Grady | | |
| | Rep. Warren C. Oldham | 8/31/94 | 2/15/95 |

**EDUCATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE**

G.S. 120–70.80 Term–two years

| | | | |
|---|---|---|---|
| (Pro Tem) | Senator Beverly Perdue (Co–Ch) | 5/24/93 | 1/30/95 |
| | Senator Richard Conder | | |
| | Senator Fletcher L. Hartsell, Jr. | | |
| | Senator Howard N. Lee | | |
| | Senator Paul Smith | | |
| | Senator Marvin Ward | | |
| | Senator Ed N. Warren | | |
| | Senator Leslie Winner | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **EDUCATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE** (Continued) | | | |
| (Speaker) | Rep. Anne C. Barnes (Co–Ch) | 3/8/93 | 1/30/95 |
| | Rep. James B. Black | | |
| | Rep. Theresa H. Esposito | | |
| | Rep. Aaron E. Fussell | | |
| | Rep. Lyons Gray | | |
| | Rep. Warren C. Oldham | | |
| | Rep. Eugene Rogers | | |
| | Rep. Steve Wood | | |

**EDUCATION STANDARDS AND ACCOUNTABILITY COMMISSION, NORTH CAROLINA** Term–four years

G.S. 115C–105.2—see Ch. 117 (SB 878); Ch. 321, Sec. 39.3 (SB 27), 1993 S.L.

**Report**–Annually by July 1

| | | | |
|---|---|---|---|
| (Pro Tem) | Senator William N. Martin | 8/6/93 | |
| | Dr. W. W. Harvey, Jr.* | | |
| | Ms. Deborah Langsam* | | |
| | Dr. Linda M. Stroud* | | |
| (Speaker) | Rep. Anne C. Barnes | 9/13/93 | 8/1/97 |
| | Chancellor Lloyd V. Hackley* | | |
| | Mr. Eugene W. Allison* | | |
| | Ms. Linda Starkweather | | |

**EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN, COUNCIL**

G.S. 115C–121 Term–two years

| | | | |
|---|---|---|---|
| (Pro Tem) | Senator Wilbur P. Gulley | 8/26/93 | 6/30/95 |
| | Senator Linda H. Gunter | | |
| (Speaker) | Rep. Charlotte A. Gardner | 8/25/93 | 6/30/95 |
| | Rep. Aaron E. Fussell | | |

**ELECTION LAWS REVIEW COMMISSION**

Ch. 771, Sec. 3.1, 1993 S.L. (H.B. 1319) **Report**–by convening 1995 Session

| | | | |
|---|---|---|---|
| (Pro Tem) | Senator Clark Plexico (Co–Ch) | 9/26/94 | 1/25/95 |
| | Senator Frank W. Ballance, Jr. | | |
| | Senator Linda Gunter | | |
| | Senator Paul S. Smith | | |
| | Mrs. Sarah F. Gulledge* | | |
| | Ms. Patricia Watts* | | |
| (Speaker) | Rep. H. Mickey Michaux, Jr. (Co–Ch) | 8/31/94 | |
| | Rep. Walter G. Church, Sr. | | |
| | Rep. Robert Grady | | |
| | Rep. J. Shawn Lemmond | | |
| | Rep. Paul Leubke | | |
| | Ms. Penny Craver* | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **ELECTION LAWS REVIEW COMMITTEE/LRC** | | **Report**–1994; 1995 Session | |
| G.S. 120–30.17(1)—**Abolished**—see Ch. 771, Sec. 3.7, 1993 S.L. (H.B. 1319) | | | |
| (Pro Tem) | Senator Clark Plexico (Co–Ch) | 11/9/93 | |
| | Senator Frank Ballance, Jr. | | |
| | Senator Linda Gunter | | |
| | Senator Paul Smith | | |
| | Senator Leslie Winner | | |
| | Ms. Sarah F. Gulledge* | | |
| | Mr. Bill Hodges* | | |
| | Mr. Larry Leake* | | |
| | Mr. Patricia Watts* | | |
| | Senator Wib Gulley | 12/2/93 | |
| (Speaker) | Rep. Paul Luebke (Co–Ch) | 12/1/93 | |
| | Rep. Walter G. Church, Sr. | | |
| | Rep. Herman C. Gist (**Deceased**) | | |
| | Rep. Robert Grady | | |
| | Rep. Larry Justus | | |
| | Rep. Joseph S. Lemmond | | |
| | Rep. Henry M. Michaux, Jr. | | |
| | Rep. Jane H. Mosley | | |
| | Ms. Mary Craver* | | |
| | Mr. Robert H. Hall* | | |
| | Rep. Jerry Braswell [**UT**—Gist] | 4/6/94 | |
| (LRC Coordinator) Representative Marie Colton | | | |
| **ELECTROLYSIS EXAMINERS, NORTH CAROLINA BOARD OF** | | | |
| G.S. 88A–5 | | | Term–three years |
| (Pro Tem) | Ms. Linda Anderson, CPE, LE* | 9/1/93 | 8/31/96 |
| (Speaker) | Ms. Trudy Brown* | 1/20/93 | 8/31/95 |
| **EMERGENCY MANAGEMENT COMMITTEE/LRC** | | **Report**–1994; 1995 Session | |
| Ch. 754, Sec. 2.1(40)(59), 1991 S.L. (S.B. 917)—**Continued** per G.S. 120–30.17(1) | | | |
| (Pro Tem) | Senator David R. Parnell (Co–Ch) | 11/18/93 | |
| | Senator John B. Codington (**Deceased**) | | |
| | Senator David W. Hoyle | | |
| | Senator R.C. Soles | | |
| | Mr. Kelly Barnhill* | | |
| | Mr. Tony Seamon* | | |
| | Mr. Lionel Shannon* (**Resigned**) | | |
| | Mr. Clarence Skinner* [**UT**—Shannon*] | 3/29/94 | |
| | Senator Patrick Ballantine [**UT**—Codington] | 4/14/94 | |
| (Speaker) | Rep. E. David Redwine (Co–Ch) | 12/1/93 | |
| | Rep. Vance Alphin | | |
| | Rep. John W. Brown | | |
| | Rep. Zeno L. Edwards, Jr. | | |
| | Rep. Foyle Hightower | | |
| | Rep. Hugh A. Lee | | |
| | Rep. Richard H. Moore | | |
| | Rep. Thomas E. Wright | | |
| (LRC Coordinator) Senator J.K. Sherron, Jr. | | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL** | | | |
| G.S. 143–510 | | Term–Coincides with term of Office | |
| (Pro Tem) | Senator John Codington (**Deceased**) | 1/18/94 | 12/31/94 |
| | Senator James Speed | | |
| | Senator Patrick Ballantine [**UT**—Codington] | 5/11/94 | 12/31/94 |
| (Speaker) | Rep. Charles M. Beall | 3/11/93 | 12/31/94 |
| | Rep. Daniel DeVane | | |
| **EMPLOYEE HOSPITAL AND MEDICAL BENEFITS COMMITTEE** | | | |
| G.S. 135–38 | | Term–two years | |
| (Pro Tem) | | 4/22/93 | 12/31/94 |
| | Senator Marc Basnight – President Pro Tempore | | |
| | Senator J. Richard Conder – Majority Leader | | |
| | Senator George B. Daniel – Chairman Appropriations | | |
| | Senator Ralph A. Hunt – Chairman Finance (**Resigned**) | | |
| | Senator Dennis J. Winner – Chairman Finance | 8/3/93 | 12/31/94 |
| | Senator J.K. Sherron, Jr. | 7/1/93 | 6/30/95 |
| | Senator Aaron W. Plyler | | |
| (Speaker) | Rep. John R. Gamble, Jr. (Ch) | 10/6/94 | 6/30/95 |
| | Rep. Martha B. Alexander | | |
| | Rep. J. Fred Bowman | | |
| | Rep. Walter W. Dickson | | |
| | Rep. Milton F. Fitch, Jr. | | |
| | Rep. Martin L. Nesbitt, Jr. | | |
| **EMPLOYMENT PROCEDURES COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Wilbur P. Gulley (Co–Ch) | 11/8/93 | |
| | Senator David Hoyle | | |
| | Senator R.L. Martin | | |
| | Senator Jim Richardson | | |
| | Senator Daniel Simpson | | |
| | Mr. Jonathan Harkavy | | |
| | Mr. Jon Wallas* | | |
| (Speaker) | Rep. Annie B. Kennedy (Co–Ch) | 12/1/93 | |
| | Rep. Charles M. Beall | | |
| | Rep. William A. Burton, III | | |
| | Rep. Michael P. Decker | | |
| | Rep. Herman C. Gist | | |
| | Rep. Hugh A. Lee | | |
| | Mr. William Barbour* | | |
| (LRC Coordinator) | Senator Austin M. Allran | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **ENERGY—CONSERVATION OF, USE OF RENEWABLE SOURCES PROMOTION/LRC** | | **Report**–1994; 1995 Session | |
| Ch. 754, Sec. 2.1(29), 1991 S.L. (S.B. 917)—**Continued** per G.S. 120–30.17(1) | | | |
| (Pro Tem) | Senator C.R. Edwards (Co–Ch) | 11/17/93 | |
| | Senator Joe E. Johnson | | |
| | Senator John H. Kerr | | |
| | Senator Clark Plexico | | |
| | Senator Paul Smith | | |
| | Mr. C.J. Belch* | | |
| | Mr. Jimmy Smith* | | |
| | Mr. Ronald Gibson* | 1/20/94 | |
| (Speaker) | Rep. J. Fred Bowman (Co–Ch) | 12/1/93 | |
| | Rep. Edward C. Bowen | | |
| | Rep. Robert C. Brawley | | |
| | Rep. Thomas K. Jenkins | | |
| | Rep. Theodore J. Kinney | | |
| | Rep. John B. McLaughlin | | |
| | Rep. George S. Robinson | | |
| (LRC Coordinator) | Senator Lura S. Tally | | |
| **ENERGY POLICY COUNCIL, NORTH CAROLINA** | | Term–two years | |
| G.S. 113B–3 | | | |
| (Pro Tem) | Senator Wib Gulley | 1/18/94 | 1/31/95 |
| | Senator Paul S. Smith | | |
| (Speaker) | Rep. Judy F. Hunt (**Resigned**) | 3/26/93 | 1/31/95 |
| | Rep. Paul Luebke | | |
| | Rep. Thomas K. Jenkins [**UT**–Hunt] | 10/11/93 | 1/31/95 |
| **ENVIRONMENTAL REVIEW COMMISSION** | | Term–Pleasure of appointive authority | |
| G.S. 120–70.42 | | | |
| (Pro Tem) | Senator Russell G. Walker (Co–Ch) | 8/26/93 | |
| | Senator John G. Blackmon | | |
| | Senator Lura Tally | | |
| | Senator Roy A. Cooper, III | | |
| | Senator Luther Henry Jordan, Jr. | | |
| | Senator J. Clark Plexico | | |
| (Speaker) | Rep. Joe Hackney (Co–Ch) | 3/26/93 | 1/30/95 |
| | Rep. Arlie F. Culp | | |
| | Rep. Daniel H. DeVane **(Resigned)** | | |
| | Rep. Karen E. Gottovi | | |
| | Rep. Billy Richardson | | |
| | Rep. John H. Weatherly | | |
| | Rep. Brad Miller [**UT**—DeVane] | 1/18/94 | |
| **ETHICS, LEGISLATIVE COMMITTEE** | | Term–Coincides with term of Office | |
| G.S. 120–99 | | | |
| (Pro Tem) | Senator Fountain Odom (Ch. through 1/1/94) | 6/2/93 | |
| | Senator Betsy L. Cochrane | 6/2/93 | 1/30/95 |
| | Senator Roy A. Cooper III | | |
| | Senator Fletcher L. Hartsell, Jr. | | |
| | Senator Elaine F. Marshall | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **ETHICS, LEGISLATIVE COMMITTEE** (Continued) | | | |
| (Speaker) | Rep. Marie W. Colton (Ch. 1/94–1/95) | 3/11/93 | 1/30/95 |
| | Rep. David G. Balmer **(Removed)** | | |
| | Rep. W. W. Dickson **(Removed)** | | |
| | Rep. Milton F. Fitch, Jr. | | |
| | Rep. Robert Grady **[UT—Balmer]** | 6/21/93 | 1/30/95 |
| | Rep. Richard T. Morgan **[UT—Dickson]** | 6/21/93 | 1/30/95 |
| **EXACTIONS COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Richard Conder (Co–Ch) | 11/17/93 | |
| | Senator Jerry Blackmon | | |
| | Senator Wilbur Gulley | | |
| | Senator David Parnell | | |
| | Senator R.C. Soles | | |
| | Mr. Robert Ingraham* | | |
| | Mr. John M. Tyson* | | |
| (Speaker) | Rep. Jerry C. Dockham | 12/1/93 | |
| | Rep. Bobby H. Griffin | | |
| | Rep. Bradley Miller | | |
| | Rep. Liston B. Ramsey | | |
| | Rep. William O. Richardson (Co–Ch) | | |
| | Rep. Clarence P. Stewart | | |
| | Rep. Timothy N. Tallent | | |
| (LRC Coordinator) Representative Harold J. Brubaker | | | |
| **FAMILY, COMMISSION ON THE** | | Term–coincides with term of office | |
| G.S. 120–70.72 | | **Report**–by February 1, odd–numbered years | |
| (Pro Tem) | Senator Ollie Harris (Co–Ch) | 12/1/93 | 1/31/95 |
| | Senator Jeanne Hopkins Lucas | | |
| | Senator J. Clark Plexico | | |
| | Ms. Katherine Holliday* | | |
| | Mr. Clifford Swain* | | |
| (Speaker) | Rep. Annie B. Kennedy (Co–Ch) | 8/19/93 | 1/31/95 |
| | Reverend Gene L. Watterson* | 8/19/93 | 1/31/95 |
| | Reverend Henry B. Pickett, Jr.* | 8/19/93 | 1/31/95 |
| | Rep. James P. Green, Sr. | 8/19/93 | 1/31/95 |
| | Rep. J. Fred Bowman | 8/19/93 | 1/31/95 |
| **FAMILY ISSUES COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Elaine Marshall (Co–Ch) | 11/9/93 | |
| | Senator John Blackmon | | |
| | Senator William N. Martin | | |
| | Senator Beverly Perdue | | |
| | Ms. Kathy Burris* | | |
| | Mrs. Jane Odom* | | |
| | Mr. Eric Prevatte* | | |
| | Hon. William G. Jones* | 1/20/94 | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **FAMILY ISSUES COMMITTEE/LRC** (Continued) | | | |
| (Speaker) | Rep. Ruth M. Easterling (Co–Ch) | 12/1/93 | |
| | Rep. Martha B. Alexander | | |
| | Rep. Michael Decker | | |
| | Rep. Jerry Braswell | | |
| | Rep. Joe Hackney | | |
| | Rep. Mary E. McAllister | | |
| | Rep. Charles L. McLawhorn | | |
| | Ms. Anna Lisa Johnson* | | |
| | Mr. Ronnie Mitchell* | | |
| (LRC Coordinator) | Senator Frank W. Ballance, Jr. | | |
| **FAMILY–CENTERED SERVICES, ADVISORY COMMITTEE ON** | | | |
| G.S. 143B–150.7 | | Term–four years/staggered | |
| (Pro Tem) | Senator Roy A. Cooper III | 12/19/91 | 6/30/95 |
| | Dr. David T. Tayloe* **(Resigned)** | 1/27/92 | 6/30/95 |
| | Senator Jeanne Hopkins Lucas | 12/22/93 | 6/30/95 |
| | Senator Bill Martin | 12/22/93 | 6/30/95 |
| | Dr. Denise Everett* [UT—Tayloe*] | 10/7/94 | 6/30/95 |
| (Speaker) | Rep. Ruth M. Easterling | 12/10/91 | 6/30/95 |
| | Rep. Albert S. Lineberry, Sr. | | |
| | Rep. Edd Nye | | |
| | Mr. James R. Samuel* **(Resigned)** | | |
| | Ms. Angelia L. White* [UT—Samuel*] | | |
| **FIRE AND OCCUPATIONAL SAFETY ISSUES/LRC—** see **WORKERS' COMPENSATION/LRC** | | | |
| **FIREFIGHTER AND RESCUE SQUAD WORKER PENSION FUND STUDY COMMISSION** | | Term–terminates upon final report | |
| Ch. 769, Sec. 9.3, 1993 S.L. (S.B. 1505) | | **Report**–by convening 1995 Session | |
| (Pro Tem) | Senator R. L. Martin (Co–Ch) | 9/27/94 | 2/1/95 |
| | Senator Robert C. Carpenter | | |
| | Mr. Jeff Cash* | | |
| | Mr. Bobby Joyner* | | |
| | Hon. Robert D. Warren* | | |
| (Speaker) | Rep. Linwood E. Mercer (Co–Ch) | 9/14/94 | 2/1/95 |
| | Rep. Bobby Harold Barbee, Sr. | | |
| | Rep. Hugh A. Lee | | |
| | Mr. David R. Anders* | | |
| | Rep. Thomas K. Jenkins | 10/6/94 | 2/1/95 |
| **FIRST FLIGHT CENTENNIAL COMMISSION** | | Term–two years/staggered | |
| G.S. 143–640—see Ch. 777, Sec. 7, 1993 S.L. (S.B. 1504) | | | |
| (Pro Tem) | Mr. Melvin Daniels* | 9/21/94 | 7/1/97 |
| | Mr. Max Fenson* | 9/21/94 | 7/1/96 |
| | Mr. Mark Selph* | 9/21/94 | 7/1/96 |
| | Mr. John A. Watkins* | 9/21/94 | 7/1/97 |
| (Speaker) | (Not available at time of printing) | | |
| (Ex–officio) | | | |
| (Pro Tem) | Mr. Joseph G. Deneke* (Designee) | 9/29/94 | 12/31/96 |
| (Speaker) | Speaker Dan Blue | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **FISCAL TRENDS AND REFORM COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Ed Warren (Co–Ch) | 11/4/93 | |
| | Senator George Daniel | | |
| | Senator Fletcher L. Hartsell, Jr. | | |
| | Senator Howard Lee | | |
| | Senator Beverly M. Perdue | | |
| | Senator Leslie Winner | | |
| | Mr. Ken Royall* | | |
| | Mr. David L. Cotterill* | 1/5/94 | |
| | Mr. Bill Owens* | 1/5/94 | |
| | Hon. Orice A. Ritch, Jr.* | 1/5/94 | |
| (Speaker) | Rep. David H. Diamont (Co–Ch) | 12/1/93 | |
| | Rep. Viola Alexander | | |
| | Rep. Gene G. Arnold | | |
| | Rep. Jerry Braswell | | |
| | Rep. Lyons Gray | | |
| | Rep. W. Joye, Jr. | | |
| | Rep. Johm H. Hunt | | |
| | Rep. George W. Miller, Jr. | | |
| | Rep. Martin L. Nesbitt, Jr. | | |
| | Mr. Thomas A. Bennett* | | |
| (LRC Coordinator) | Senator Robert L. Martin | | |
| **FISHERY INDUSTRY STUDY STEERING COMMITTEE** | | | |
| Ch. 576, Sec. 3, 1993 S.L. (H.B. 1540) | | **Report**–1995; 1996 | |
| (Pro Tem) | Dr. Ford Cross* | 10/1/94 | |
| | Dr. Barbara Garity–Blake* | | |
| | Mr. Murray Fulcher* | | |
| | Mr. Melvin Shepard* | | |
| | Mr. Sherrill Styron* | | |
| | Mr. Damon Tatem* | | |
| | Mr. Peter West* | | |
| (Speaker) | Mr. Thomas S. Bowmer* | 10/3/94 | |
| | Mr. Joe Huber* | | |
| | Mr. Charles S. Manooch III* | | |
| | Mr. Arden More* | | |
| | Dr. Hahns Pearl* | | |
| | Dr. Kerry Smith* | | |
| | Ms. Susan West* | | |
| **FUTURE STRATEGIES FOR NORTH CAROLINA, JOINT LEGISLATIVE COMMISSION ON** | | Term–two years | |
| G.S. 120–84.6 | | | |
| (Pro Tem) | Senator Jerry Blackmon | 1/18/94 | 1/15/95 |
| | Senator C. R. Edwards | | |
| | Senator John Kerr | | |
| | Senator David R. Parnell | | |
| | Senator Aaron W. Plyler | | |
| | Senator Leslie Winner | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **FUTURE STRATEGIES FOR NORTH CAROLINA, JOINT LEGISLATIVE COMMISSION ON** (Continued) | | | |
| (Speaker) | Rep. W. W. "Dub" Dickson | 9/5/91 | 1/27/93 |
| | Rep. Howard J. Hunter, Jr. | | |
| | Rep. Edd Nye | | |
| | Rep. Timothy N. Tallent | | |
| | Rep. William L. Wainwright | | |
| | Rep. Barney P. Woodard **(Resigned)** | | |
| | Rep. Brad Miller **[UT**—Woodard] | 9/1/94 | |
| **GENERAL STATUTES COMMISSION** | | | Term–two years |
| G.S. 164–14 | | | |
| (Pro Tem) | Senator Fletcher L. Hartsell, Jr. | 8/16/93 | 5/31/95 |
| (Speaker) | Rep. Annie Brown Kennedy | 4/26/93 | 5/31/95 |
| **GENETIC ENGINEERING REVIEW BOARD** | | | Term–three years |
| G.S. 106–769(1) | | | |
| (Pro Tem) | Mr. Steven Levitas* **(Resigned)** | 7/28/92 | 6/30/95 |
| | Ms. Jane Sharp* **[UT**—Levitas*] | 8/5/93 | 6/30/95 |
| (Speaker) | Mr. R. H. Byrd, Jr.* | 8/3/92 | 6/30/95 |
| **GLOBAL TRANSPARK AUTHORITY, NORTH CAROLINA—formerly—AIR CARGO AIRPORT AUTHORITY, NORTH CAROLINA** | | | Term–four years/staggered |
| G.S. 63A–3—**Renamed**—see Ch. 777, Sec. 4, 1993 S.L. (S.B. 1504) | | | |
| (Pro Tem) | Hon. Henson Perrymore Barnes* | 8/3/93 | 6/30/97 |
| | Mr. Frank B. Holding, Jr.* | | |
| | Mr. Charles A. Hayes* | | |
| (Speaker) | Mr. Thomas W. Bradshaw, Jr.* | 7/29/93 | 6/30/97 |
| | Mr. Roger A. McLean* | 7/29/93 | 6/30/95 |
| | Mr. Gordon S. Myers* **(Resigned)** | 7/29/93 | 6/30/95 |
| | Hon. Cyndee Patterson* **[UT**—Myers*] | 4/5/94 | 6/30/95 |
| **GOVERNMENTAL OPERATIONS COMMISSION, JOINT LEGISLATIVE** | | | |
| G.S. 120–74 | | | Term–two years |
| (Pro Tem) | Senator George B. Daniel | 2/23/93 | 1/15/95 |
| | Senator Ralph A. Hunt **(Resigned)** | | |
| | Senator R. L. Martin | | |
| | Senator Beverly M. Perdue | | |
| | Senator Aaron W. Plyler | | |
| | Senator James F. Richardson **(Resigned)** | | |
| | Senator Robert G. Shaw | | |
| | Senator J. K. Sherron, Jr. | | |
| | Senator Ed Warren | | |
| | Senator C. R. Edwards **[UT**—Hunt] | 8/5/93 | 1/15/95 |
| | Senator Russell G. Walker **[UT**—Richardson] | 9/8/94 | 1/15/95 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **GOVERNMENTAL OPERATIONS COMMISSION, JOINT LEGISLATIVE** (Continued) | | | |
| (Speaker) | Rep. David H. Diamont | 4/22/93 | 1/30/95 |
| | Rep. George M. Holmes | | |
| | Rep. J. Fred Bowman | | |
| | Rep. C. Robert Brawley | | |
| | Rep. Ruth M. Easterling | | |
| | Rep. Milton F. Fitch, Jr. | | |
| | Rep. Joe Hackney | | |
| | Rep. H. M. Michaux | | |
| | Rep. Martin L. Nesbitt, Jr. | | |
| (Ex–Officio) | | | |
| | Senate – President Pro Tempore – Co–Chairman (Senator Marc Basnight) | | |
| | Majority Leader (Senator J. Richard Conder) | | |
| | House – Speaker – Co–Chairman (Rep. Daniel Blue) | | |
| | Speaker Pro Tempore (Rep. Marie W. Colton) | | |
| **HANDICAPPED CHILDREN BIRTH TO 5 YEARS, INTERAGENCY COORDINATING COUNCIL FOR—see CHILDREN BIRTH TO 5 YEARS WITH DISABILITIES AND THEIR FAMILIES** | | | |
| **HAZARDOUS WASTE MANAGEMENT COMMISSION** G.S. 130B–6(c)(2) | | Term–two years/staggered | |
| (Pro Tem) | Mr. Henry M. Von Oesen* | 7/28/92 | 6/30/94 |
| | Ms. Mary Odom* | 8/5/93 | 6/30/95 |
| (Speaker) | Ms. Catherine Cameron* | 8/3/92 | 6/30/94 |
| | Dr. Jack B. Levy* | 10/18/93 | 6/30/95 |
| **HEALTH INSURANCE, STATE, JOINT SELECT COMMITTEE** | | Term–Coincides with Term of Office | |
| (Pro Tem) | Senator J. K. Sherron, Jr. (Co–Ch) | 10/30/91 | |
| | Senator James Forrester | | |
| | Senator Ralph Hunt | | |
| | Senator Wendell Murphy | | |
| | Senator Fountain Odom | | |
| | Senator Beverly Perdue | | |
| (Speaker) | Rep. Martin Nesbitt (Co–Ch) | 3/25/93 | 12/31/94 |
| | Rep. Walter W. Dickson | | |
| | Rep. Milton F. Fitch, Jr. | | |
| | Rep. Judy Hunt (**Resigned**) | | |
| | Rep. George Miller (**Resigned**) | | |
| | Rep. Edd Nye | | |
| | Rep. Billy Richardson [**UT**—Miller] | 2/17/94 | 12/31/94 |
| | Rep. Martha B. Alexander [**UT**—Hunt] | 2/17/94 | 12/31/94 |
| **HEALTH PLAN PURCHASING ALLIANCE BOARD, STATE** G.S. 143–625—see Ch. 529, Sec. 3.1, 1993 S.L. | | Term–four years/staggered | |
| (Pro Tem) | Ms. Lavonia Ingram Allison* | 9/27/93 | 7/1/95 |
| | Mr. Joe A. Connolly* | 9/30/93 | 7/1/95 |
| | Ms. Martha Smith Ragsdale* | 9/30/93 | 7/1/97 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **HEALTH PLAN PURCHASING ALLIANCE BOARD, STATE** (Continued) | | | |
| (See also Appointments of Lt. Governor) | | | |
| (Speaker) | Ms. Cyndee G. Patterson* | 9/28/93 | 7/1/95 |
| | Ms. Juanita P. Pilgrim* | 9/28/93 | 7/1/97 |
| | Mr. G. Gordon Greenwood* | 9/28/93 | 7/1/97 |
| **HEALTH PLANNING COMMISSION, NORTH CAROLINA** | | | |
| G.S. 143–610—see Ch. 771, Sec. 6.1, 1993 S.L. (H.B. 1319) | | **Report**–by 4/1 Annually | |
| (Pro Tem) | President *Pro Tempore* Marc Basnight | | |
| | Senator George B. Daniel | 8/26/93 | |
| | Senator James S. Forrester | | |
| | Senator Ted Kaplan | | |
| | Senator Beverly M. Perdue | | |
| | Senator Alexander P. Sands | | |
| (See also Appointments of Lt. Governor) | | | |
| (Speaker) | Speaker Daniel T. Blue, Jr. | | |
| | Rep. Walter W. Dickson | 9/14/93 | |
| | Rep. Karen E. Gottovi | | |
| | Rep. Josephus L. Mavretic | | |
| | Rep. Richard H. Moore | | |
| | Rep. Thomas E. Wright | | |
| **HIGHWAY OVERSIGHT COMMITTEE, JOINT LEGISLATIVE**— see **TRANSPORTATION OVERSIGHT COMMITTEE** | | | |
| **HOME AND COMMUNITY CARE FOR OLDER ADULTS, ADVISORY COMMITTEE** | | Term–Pleasure of Appointive Authority | |
| G.S. 143B–181.9A | | **Report**–Odd–numbered years | |
| (Pro Tem) | Senator Robert L. Martin | 11/19/93 | 1/15/95 |
| (Speaker) | Rep. Howard C. Barnhill | 3/26/93 | 1/15/95 |
| **HOME INSPECTOR LICENSURE BOARD, NORTH CAROLINA** | | | |
| G.S. 143–151.46—see Ch. 724, 1993 S.L. (S.B. 617) | | Term–four years/staggered | |
| (Pro Tem) | Mr. Jimmy A. Hughes* | 10/7/94 | 7/1/97 |
| | Mr. Roger R. Pierce* | 10/7/94 | 7/1/98 |
| (Speaker) | (Not available at time of printing) | | |
| **IMMUNITY FROM NEGLIGENCE COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Leslie J. Winner (Co–Ch) | 11/8/93 | |
| | Senator Robert C. Carpenter | | |
| | Senator Roy C. Cooper | | |
| | Senator Wib Gulley | | |
| | Senator Fountain Odom | | |
| | Mr. Michael R. Ferrell* | | |
| | Mr. Wayne Goodwin* | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **IMMUNITY FROM NEGLIGENCE COMMITTEE/LRC** (Continued) | | | |
| (Speaker) | Rep. Margaret M. Jeffus (Co–Ch) | 12/20/93 | |
| | Rep. Arlie F. Culp | | |
| | Rep. William T. Culpepper, III | | |
| | Rep. Theresa H. Esposito | | |
| | Rep. Edd Nye | | |
| | Representative Richard T. Moore | | |
| | Mr. James B. Maxwell* | | |
| (LRC Coordinator) | Representative Bertha M. Holt | | |
| **INAUGURAL CEREMONIES COMMITTEE** | | | |
| G.S. 143–533 | Term–July 1 election years—seven days after inauguration | | |
| (Pro Tem) | (See Appointments of Lt. Governor until 1/1/93) | | |
| (Speaker) | Rep. Marie W. Colton | 10/5/92 | |
| | Rep. Jack Hunt | | |
| | Rep. Annie B. Kennedy | | |
| **INDIAN EDUCATION, STATE ADVISORY COUNCIL ON** | | | |
| G.S. 115C–210.1 | Term–Pleasure of appointive authority | | |
| (Pro Tem) | Senator David R. Parnell | 9/13/93 | |
| (Speaker) | Rep. Ronnie Sutton | 3/11/93 | 1/30/95 |
| **INFORMATION HIGHWAY GRANTS ADVISORY COUNCIL** | | Term–two years | |
| Ch. 769, Sec. 10.1(c), 1993 S.L. (S.B. 1505) | | **Report**–1995 Session | |
| (Pro Tem) | Senator Elaine Marshall (Co–Ch) | 9/20/94 | 9/1/96 |
| | Senator William N. Martin | | |
| | Senator Clark Plexico | | |
| | Mr. Luther C. Copeland* | | |
| (Speaker) | Rep. William L. Wainwright (Co–Ch) | 9/13/94 | 9/1/96 |
| | Rep. Anne C. Barnes | | |
| | Rep. Lyons Gray | | |
| | Mr. John F. Burness* | | |
| **INFORMATION RESOURCE MANAGEMENT COMMISSION** | | Term–four years | |
| G.S. 143B–426.21 | | | |
| (Pro Tem) | Ms. Janet Smith* | 9/1/92 | 6/30/95 |
| (Speaker) | Dr. William E. Willis, Jr.* | 9/1/92 | 6/30/95 |
| **INSURANCE FRAUD COMMITTEE/LRC** | | **Report**–1995 Session | |
| G.S. 120–30.17(1)—see Ch. 771, Sec. 4.1, 1993 S.L. (H.B. 1319) | | | |
| (Pro Tem) | Senator David R. Parnell (Co–Ch) | 10/17/94 | |
| | Senator Joseph E. Johnson | | |
| | Senator Donald R. Kincaid | | |
| | Senator William N. Martin | | |
| | Senator Paul S. Smith | | |
| | Mr. Joe G. Adams* | | |
| | Mr. Royce L. Richardson* | 10/20/94 | |
| | Senator Aaron W. Plyler | 10/24/94 | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **INSURANCE FRAUD COMMITTEE/LRC** (Continued) | | | |
| (Speaker) | Rep. Bobby H. Griffin (Co–Ch) | 10/18/94 | |
| | Rep. Gene G. Arnold | | |
| | Rep. Walter G. Church, Sr. | | |
| | Rep. W. Pete Cunningham | | |
| | Rep. Joseph S. Lemmond | | |
| | Rep. Liston B. Ramsey | | |
| | Rep. Wade F. Wilmoth | | |
| (LRC Coordinator) | Rep. Bertha Holt | | |
| **JUDICIAL SYSTEM, JOINT SELECT COMMITTEE** | | | |
| G.S. 120–19.6 | | | |
| (Pro Tem) | Senator Roy A. Cooper III | 9/29/94 | |
| | Senator Frank W. Ballance, Jr. | | |
| | Senator John G. Blackmon | | |
| | Senator Betsy L. Cochrane | | |
| | Senator George B. Daniel | | |
| | Senator Fletcher L. Hartsell, Jr. | | |
| | Senator Herbert L. Hyde | | |
| | Senator Elaine Marshall | | |
| | Senator William N. Martin | | |
| | Senator T. L. "Fountain" Odom | | |
| | Senator Dennis J. Winner | | |
| | Senator Leslie Winner | | |
| (Speaker) | Rep. Milton F. Fitch, Jr. (Co–Ch) | | |
| | Rep. Philip A. Baddour, Jr. | | |
| | Rep. Joanne W. Bowie | | |
| | Rep. Jerry Braswell | | |
| | Rep. N. Leo Daughtry | | |
| | Rep. Joe Hackney | | |
| | Rep. Robert J. Hensley, Jr. | | |
| | Rep. Bertha M. Holt | | |
| | Rep. Robert C. Hunter | | |
| | Rep. J. Shawn Lemmond | | |
| | Rep. H. Mickey Michaux, Jr. | | |
| | Rep. George S. Robinson | | |
| **JUVENILE CODE COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Roy A. Cooper III (Co–Ch) | 11/9/93 | |
| | Senator Austin Allran | | |
| | Senator Elaine Marshall | | |
| | Ms. Linda Hayes* | | |
| | Ms. Denise Lucas* | | |
| | Ms. Brownie Smyre* | | |
| | Mr. Jerry Tillet* | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **JUVENILE CODE COMMITTEE/LRC** (Continued) | | | |
| (Speaker) | Rep. Robert Hensley, Jr. (Co–Ch) | 12/20/93 | |
| | Rep. Phillip A. Baddour, Jr. | | |
| | Rep. Bobby H. Griffin | | |
| | Rep. Richard E. Rogers | | |
| | Rep. Carolyn B. Russell | | |
| | Honorable Loretta Biggs* | | |
| | Mr. Richard B. Glazier* | | |
| | Mr. James E. Roark* | | |
| (LRC Coordinator) | Senator Frank W. Ballance, Jr. | | |
| **JUVENILE JUSTICE SYSTEM, DIVISION OF YOUTH SERVICES/DHR, ADVISORY PANEL** | | | |
| Ch. 24, Sec. 36, 1994 Extra S.L. (S.B. 150) | | **Report**–by March 1, 1995 | |
| (Pro Tem) | Senator Roy A. Cooper III | 4/14/94 | |
| | Senator William N. Martin | | |
| | Senator Leslie Winner | | |
| (Speaker) | Rep. Ruth M. Easterling | 10/4/94 | 3/1/95 |
| | Rep. Howard J. Hunter | | |
| | Rep. Edd Nye | | |
| **JUVENILE LAW STUDY COMMISSION** | | Term–two/four years | |
| G.S. 7A–740 | | | |
| (Pro Tem) | Senator Austin M. Allran | 7/1/94 | 6/30/96 |
| | Senator David R. Parnell | 7/1/94 | 6/30/96 |
| (Speaker) | Rep. Robert H. Hensley, Jr. | 9/1/94 | 6/30/96 |
| | Rep. Billy Richardson | 9/1/94 | 6/30/96 |
| **LANDS, STATE–OWNED SUBMERGED COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1995 Session | |
| (Pro Tem) | Senator Charles W. Albertson (Co–Ch) | 9/29/94 | |
| | Dr. Jim Easley* | | |
| | Mr. Charles Kauth* | | |
| | Mr. Terry Pratt* | | |
| | Mr. Harry Schiffman* | | |
| | Mr. Michael Taylor* | | |
| | Ms. Eve Trow* | | |
| | Mr. Haywood Weeks* | | |
| | Mr. Claude Wheatley, Jr.* | | |
| | Mr. Drew Willis* | | |
| (Speaker) | (Not available at time of printing) | | |
| (LRC Coordinator) | Senator J.K. Sherron | | |

**LEGISLATIVE ETHICS COMMITTEE**—see **ETHICS, LEGISLATIVE**

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* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **LEGISLATIVE RESEARCH COMMISSION** | | | |
| G.S. 120–30.11 | Term–From adjournment, Odd–numbered years through January 15, Next Odd–numbered year | | |
| (Pro Tem) | Senator Marc Basnight (Co–Ch) | 8/6/93 | 12/31/94 |
| | Senator Austin Allran | | |
| | Senator Frank W. Ballance, Jr. | | |
| | Senator R. L. Martin | | |
| | Senator J.K. Sherron, Jr. | | |
| | Senator Lura Tally | | |
| (Speaker) | Rep. Dan Blue, Jr. (Co–Ch) | 8/31/93 | 12/15/94 |
| | Rep. Marie Colton | | |
| | Rep. W. Pete Cunningham | | |
| | Rep. Harold J. Brubaker | | |
| | Rep. Bertha M. Holt | | |
| | Rep. Vernon G. James | | |
| **LEGISLATIVE SERVICES COMMISSION** | Term–Coincides with term of Office | | |
| G.S. 120–31 | | | |
| (Pro Tem) | Senator Marc Basnight (Ch—1993) | 2/17/93 | 12/31/94 |
| | Senator Betsy L. Cochrane | | |
| | Senator George B. Daniel | | |
| | Senator Ted Kaplan | | |
| | Senator Howard N. Lee | | |
| | Senator David R. Parnell | | |
| | Senator Alexander P. Sands III | | |
| (Speaker) | Rep. Daniel T. Blue (Ch—1994) | 2/23/93 | 1/30/95 |
| | Rep. Ed Bowen | | |
| | Rep. Lyons Gray | | |
| | Rep. Robert J. Hensley, Jr. | | |
| | Rep. Mary E. McAllister | | |
| | Rep. Martin L. Nesbitt, Jr. | | |
| | Rep. George S. Robinson | | |
| **Building and Grounds Subcommittee** | | | |
| (Pro Tem) | Senator Ted Kaplan (Co–Ch) | | |
| | Senator Betsy Cochrane | | |
| (Speaker) | Rep. Robert Hensley (Co–Ch) | | |
| | Rep. George Robinson | | |
| **Information and Automated Systems Subcommittee** | | | |
| (Pro Tem) | Senator David Parnell (Co–Ch) | | |
| | Senator Alexander P. Sands III | | |
| (Speaker) | Rep. Lyons Gray (Co–Ch) | | |
| | Rep. J. Fred Bowman | | |
| **Personnel Subcommittee** | | | |
| (Pro Tem) | Senator Howard N. Lee (Co–Ch) | | |
| | Senator George B. Daniel | | |
| (Speaker) | Rep. Martin Nesbitt (Co–Ch) | | |
| | Rep. Mary McAllister | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **LOCAL GOVERNMENT ADVOCACY COUNCIL** | | | |
| G.S. 143–506.14 | | Term–Coincides with term of Office | |
| (Pro Tem) | Senator Jerry Blackmon | 1/14/94 | 1/15/96 |
| | Senator Richard Conder | | |
| (Speaker) | Rep. John J. Hunt | 3/11/93 | 1/15/95 |
| | Rep. Charles L. McLawhorn | | |
| **LOCAL GOVERNMENT PARTNERSHIP COUNCIL** | | Term–two years | |
| Executive Order No. 21 | | | |
| (Pro Tem) | Senator George B. Daniel | 10/18/93 | 10/18/95 |
| | Senator Aaron W. Plyler | | |
| (See also Appointment of Lt. Governor) | | | |
| (Speaker) | Rep. Linwood E. Mercer | 11/5/93 | 8/12/95 |
| | Rep. R. Bradley Miller | | |
| **LOW–LEVEL RADIOACTIVE WASTE, JOINT SELECT COMMITTEE** | | | |
| G.S. 120–70.32 | | Term–Pleasure of appointive authority | |
| (Pro Tem) | Senator Joe Johnson (Co–Ch) | 8/3/93 | 1/30/95 |
| | Senator J. Richard Conder | | |
| | Senator Wm. N. Martin | | |
| | Senator Paul S. Smith | | |
| | Senator Lura Tally | | |
| | Senator Russell Walker | | |
| (Speaker) | Rep. Peggy Stamey **[Resigned]** | 5/3/93 | 1/15/95 |
| | Rep. Jerry Braswell | | |
| | Rep. George W. Miller, Jr. (Co–Ch) | | |
| | Rep. David M. Miner | | |
| | Rep. Richard H. Moore | | |
| | Rep. Richard T. Morgan | | |
| | Rep. Jane H. Mosley | 12/8/93 | 1/15/95 |
| **MANUFACTURED HOUSING BOARD, NORTH CAROLINA** | | Term–three years | |
| G.S. 143–143.10 | | | |
| (Pro Tem) | Mr. Durwood Batchelor* | 10/1/92 | 9/30/95 |
| | Mr. Billy Glover* | 10/1/92 | 9/30/95 |
| (Speaker) | Mr. Larry Gilmore* | 7/19/94 | 9/30/96 |
| | Ms. Judy Ward* | 7/19/94 | 9/30/96 |
| **MARTIN LUTHER KING, JR. COMMISSION** | | Term–four years | |
| G.S. 143B–426.34B—see Ch. 502, 1993 S.L. (H.B. 1260) | | | |
| (Pro Tem) | Senator Wilbur P. Gulley | 8/23/93 | 6/30/95 |
| | Senator C.R. Edwards | | |
| (Speaker) | Rep. Bertha M. Holt | 10/8/93 | 6/30/95 |
| | Mrs. Almetto H. Alexander* | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **MEDICAID COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | | **Report**–1994; 1995 Session |
| (Pro Tem) | Senator Elaine Marshall (Co–Ch) | 11/15/93 | |
| | Senator James Forrester | | |
| | Senator R.L. Martin | | |
| | Senator Russell Walker | | |
| | Ms. Barbara Ricks Cole* | | |
| | Ms. Evelyn J. DeVane* | | |
| | Mr. Calvin Knight* | | |
| (Speaker) | Rep. Edd Nye (Co–Ch) | 12/1/93 | |
| | Rep. Martha B. Alexander | | |
| | Rep. Ruth Easterling | | |
| | Rep. Robert C. Hayes | | |
| | Rep. William M. Ives | | |
| | Rep. William L. Wainwright | | |
| | Mrs. Nancy McAllister* | | |
| (LRC Coordinator) Representative Vernon G. James | | | |
| **MENTAL HEALTH COMMITTEE/LRC** | | | **Report**–1994; 1995 Session |
| G.S. 120–30.17(1)—**Abolished**—see Ch. 771, Sec. 1.5, 1993 S.L. (H.B. 1319) | | | |
| (Pro Tem) | Senator J. Richard Conder (Co–Ch) | 11/24/93 | |
| | Senator Frank Ballance, Jr. | | |
| | Senator Robert Carpenter | | |
| | Senator Ollie Harris | | |
| | Senator Russell Walker | | |
| | Senator Marvin Ward | | |
| | Mr. D. Bernard Austin* | | |
| | Mr. James R. Barbour* | | |
| | Ms. Clara N. Boswell* | | |
| | Mr. J. Don Everhart* | | |
| | Honorable Deborah Giles* | | |
| | Ms. Lou B. Wilson* | | |
| (Speaker) | Rep. Martha B. Alexander (Co–Ch) | 12/1/93 | |
| | Rep. W.W. Dickson | | |
| | Rep. Theresa H. Esposito | | |
| | Rep. Charlotte A. Gardner | | |
| | Rep. Howard J. Hunter, Jr. | | |
| | Rep. Charles L. McLawhorn | | |
| | Rep. E. David Redwine | | |
| | Rep. Ronald L. Smith | | |
| | Rep. Timothy S. Lemmond | 12/20/93 | |
| | Rep. Mazie Woodruff | 12/20/93 | |
| | Mrs. Eula Miller* | 12/20/93 | |
| | Mr. George J. Pfeiffer* | 12/20/93 | |
| (LRC Coordinator) Represenative Vernon G. James | | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **MENTAL HEALTH STUDY COMMISSION** | Term–coincides with term of office | | |
| Ch. 806, 1973 S.L.—see Ch. 873, Sec. 21.1, 1987 S.L.; Ch. 802, Sec. 7.1, 1989 S.L.; Ch. 754, Sec. 6.1, 1991 S.L.—**Reestablished**—see Ch. 771, Sec. 1.1, 1993 S.L. (H.B. 1319) | | | |
| (Pro Tem) | Senator J. Richard Conder (Co–Ch) | 8/22/94 | 7/1/95 |
| | Senator Frank Ballance, Jr. | | |
| | Senator Ollie Harris | | |
| | Senator Russell Walker | | |
| | Senator Marvin Ward | | |
| | Mr. D. Bernard Austin* | | |
| | Ms. Lou B. Wilson* | | |
| | Senator Robert Carpenter | 9/7/94 | 7/1/95 |
| (Speaker) | Rep. Martha B. Alexander (Co–Ch) | 8/31/94 | 6/30/95 |
| | Rep. Walter W. Dickson | | |
| | Rep. Theresa H. Esposito | | |
| | Rep. Howard J. Hunter, Jr. | | |
| | Rep. Charles L. McLawhorn | | |
| | Rep. E. David Redwine | | |
| | Ms. Pearl Finch* | | |
| | Mr. V. B. "Hawk" Johnson* | | |
| **MINORITY HEALTH ADVISORY COUNCIL** | Term–two years/four years staggered | | |
| G.S. 130A–33.43 | | | |
| (Pro Tem) | Senator Frank W. Ballance, Jr. | 9/29/94 | 6/30/96 |
| | Senator James Forrester | 9/29/94 | 6/30/96 |
| | Mrs. Delores Steele* | 9/29/94 | 6/30/98 |
| | Mr. Harold Ramseur* | 9/29/94 | 6/30/98 |
| | Mr. John Leandro | 9/10/92 | 9/1/95 |
| (Speaker) | Dr. Leah Devlin, MD* | 9/30/92 | 6/30/95 |
| | Rep. Howard J. Hunter, Jr. | 8/3/94 | 6/30/96 |
| | Rep. Thomas E. Wright | 8/3/94 | 6/30/96 |
| | Mr. Stanley L. Allen, DDS* | 8/3/94 | 6/30/98 |
| | Mr. Charles E. Blair, MD* | 8/3/94 | 6/30/98 |
| **MINORITY MALES COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator William N. Martin (Co–Ch) | 11/17/93 | |
| | Senator C.R. Edwards | | |
| | Senator Wilbur P. Gulley | | |
| | Senator R.C. Soles | | |
| | Senator Leslie Winner (**Resigned**) | | |
| | Mr. Dudley E. Flood* | | |
| | Dr. Otis E. Tillman* | | |
| | Mr. Ron Leeper* [UT–Winner] | 11/23/93 | |
| | Senator Luther H. Jordan | 9/20/94 | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **MINORITY MALES COMMITTEE/LRC** (Continued) | | | |
| (Speaker) | Rep. Jerry Braswell | 12/8/93 | |
| | Rep. William A. Burton | | |
| | Rep. Charles R. Preston | | |
| | Rep. Richard E. Rogers | | |
| | Rep. Thomas E. Wright | | |
| | Ms. Rhonda Raney* | | |
| | Mr. Reginald Holley* | | |
| (LRC Coordinator) Representative W. Pete Cunningham | | | |
| **MOUNTAIN AREA STUDY COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Herbert L. Hyde (Co–Ch) | 11/18/93 | |
| | Senator Robert C. Carpenter | | |
| | Senator J. Clark Plexico | | |
| | Senator Daniel R. Simpson | | |
| | Ms. Vonna Clonginger* | | |
| | Honorable Wayne Hooper* | | |
| | Dr. Neal Lineback* | | |
| (Speaker) | Rep. Narvel J. Crawford (Co–Ch) | 12/8/93 | |
| | Rep. Gene G. Arnold | | |
| | Rep. Thomas K. Jenkins | | |
| | Rep. Wade F. Wilmoth | | |
| | Mr. Clayton Davis* | | |
| | Mr. Donald Bunn* | | |
| | Mr. Hugh Morton* | | |
| (LRC Coordinator) Senator Lura S. Tally | | | |
| **MUNICIPAL INCORPORATIONS, JOINT LEGISLATIVE** | | | Term–two years |
| G.S. 120–158 | | | |
| (Pro Tem) | Senator Fletcher L. Hartsell, Jr. | 1/18/94 | 6/30/95 |
| | Senator R. L. Martin | | |
| | Mr. Webb Fuller* | | |
| (Speaker) | Rep. Jerry Braswell | 5/19/93 | 6/30/95 |
| | Rep. Robert C. Hunter | | |
| | Mr. Richard Stevens* | | |
| **NEW LICENSING BOARDS, LEGISLATIVE COMMITTEE** | | | Term–two years |
| G.S. 120–149.6 | | | |
| (Pro Tem) | Senator Frank W. Ballance, Jr. | 2/23/93 | 1/15/95 |
| | Senator Mary P. Seymour | | |
| | Senator Paul S. Smith | | |
| | Senator R. C. Soles, Jr. | | |
| (Speaker) | Rep. Mary L. Jarrell (Chairman) | 2/25/93 | 1/30/95 |
| | Rep. Howard C. Barnhill | | |
| | Rep. Harold J. Brubaker | | |
| | Rep. Foyle Hightower, Jr. | | |
| | Rep. Richard H. Moore | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **NURSING, NORTH CAROLINA CENTER FOR, BOARD OF DIRECTORS** | | | |
| G.S. 90–171.71 | | Term–three years/staggered | |
| (Pro Tem) | Mr. Lee Pridgen* | 7/28/92 | 6/30/95 |
| | Ms. Barbara Morris* | 7/20/94 | 6/30/97 |
| | Ms. Judy Seamon* | 7/20/94 | 6/30/97 |
| | Dr. Patricia Ann Chamings* | 8/5/93 | 6/30/96 |
| (Speaker) | Mr. Jonathan Hankins* | 8/3/92 | 6/30/95 |
| | Ms. Cathy Chapman* | 7/20/94 | 6/30/97 |
| | Ms. Rebecca Pitts* | 8/18/93 | 6/30/96 |
| | Ms. Polly H. Godwin* | 8/18/93 | 6/30/96 |
| **NURSING SCHOLARS COMMISSION, NORTH CAROLINA** | | | |
| G.S. 90–171.60 | | Term–four years/staggered | |
| (Pro Tem) | Ms. Wanda Boyette* | 8/5/93 | 6/30/95 |
| | Ms. Elizabeth Fearing* | 8/5/93 | 6/30/97 |
| | Ms. JoAnn Schoen* | 8/5/93 | 6/30/97 |
| (Speaker) | Ms. Hettie L. Garland* | 2/16/94 | 6/30/97 |
| | Ms. V. Diane Gibbs* | 2/16/94 | 6/30/95 |
| | Dr. Ernestine B. Small* | 2/16/94 | 6/30/97 |
| **OCEAN AFFAIRS, NORTH CAROLINA COUNCIL ON** | | Term–four years/staggered | |
| G.S. 143B–390.10—**Repealed**—see Ch. 321, Sec. 28(g), 1993 S.L. | | | |
| (Pro Tem) | Mr. J. C. Jones* | 10/1/91 | 9/30/95 |
| | Mr. Harry Shiffman* | 10/1/91 | 9/30/95 |
| | Ms. Angie Tooley* | 10/1/91 | 9/30/93 |
| | Mrs. Wilma Woodard* | 10/1/91 | 9/30/93 |
| (Speaker) | Mr. Edward C. Bromeier* | 1/10/92 | 9/30/93 |
| | Mr. Lee Brothers* | 1/10/92 | 9/30/93 |
| | Mr. Raymond T. Graham, Sr.* | 1/10/92 | 9/30/95 |
| | Mr. Dallas Holton, Jr.* | 1/10/92 | 9/30/95 |
| **OYSTERS, BLUE RIBBON ADVISORY COUNCIL ON** | | | |
| Ch. 769, Sec. 27.16, 1993 S.L. (S.B. 1505) | | **Report**–Quarterly beginning 10/1/94; Final by 10/1/95 | |
| (Pro Tem) | Mr. Lawrence Gill* | 9/26/94 | 10/1/95 |
| | Mr. Raymond T. Graham* | 9/21/94 | 10/1/95 |
| | Mr. Joe Huber* | 9/21/94 | 10/1/95 |
| | Mr. Gary Mayo* | 9/21/94 | 10/1/95 |
| | Dr. Walter Timm* | 9/21/94 | 10/1/95 |
| (Speaker) | (Not available at time of printing) | | |

**PARKS, STATE**—see **STATE PARKS**

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* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **PARTNERSHIP FOR QUALITY GROWTH COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Aaron Plyler (Co–Ch) | 11/17/93 | |
| | Senator C.R. Edwards | | |
| | Senator Wilbur P. Gulley | | |
| | Senator J.K. Sherron | | |
| | Senator Leslie J. Winner (**Resigned**) | | |
| | Mr. Keith Fearing* | | |
| | Mr. Jimmy Jones* | | |
| | Mr. Bill McCoy* [UT–Winner] | 11/23/93 | |
| (Speaker) | Rep. George S. Robinson (Co–Ch) | 12/1/93 | |
| | Rep. C. Robert Brawley | | |
| | Rep. Narvel J. Crawford | | |
| | Rep. William T. Culpepper | | |
| | Rep. Billy W. Joye, Jr. | | |
| | Rep. William L. Wainwright | | |
| | Rep. Michael S. Wilkins | | |
| (LRC Coordinator) | Senator J.K. Sherron, Jr. | | |
| **PASTORAL COUNSELORS, STATE BOARD OF EXAMINERS OF FEE–BASED PRACTICING** | | | |
| G.S. 90–385 | | Term–four years/staggered | |
| (Pro Tem) | Dr. Lyman Ferrell* | 10/2/91 | 1995 |
| | Mr. Philip R. Adams* | 10/1/93 | 9/30/97 |
| (Speaker) | Dr. Lee S. Dukes III* | 9/18/91 | |
| | Mr. Ben A. Waterford* | | |
| **PERSONNEL**—see **STATE PERSONNEL** | | | |
| **PHYSICAL FITNESS AMONG YOUTH COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Marvin Ward (Co–Ch) | 11/17/93 | |
| | Senator James S. Forrester | | |
| | Senator Linda Gunter | | |
| | Senator Ed Warren | | |
| | Mr. Howard Chapin* | | |
| | Mrs. R.C. Smith* | | |
| | Mr. Arthur C. Tillett* | | |
| | Mr. Johnny Tillett* | | |
| (Speaker) | Rep. Alex Warner (Co–Ch) | 12/8/93 | |
| | Rep. Vance Alphin | | |
| | Rep. J. Fred Bowman | | |
| | Rep. Frances M. Cummings | | |
| | Rep. Bobby R. Hall | | |
| | Rep. Charles R. Preston | | |
| | Rep. Jean R. Preston | | |
| | Mr. Norman Day* | | |
| (LRC Coordinator) | Representative W. Pete Cunningham | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **PHYSICAL FITNESS AND HEALTH, GOVERNOR'S COUNCIL** | | Term–two years | |
| G.S. 130A–33.41 | | | |
| (Pro Tem) | Senator Ed Warren | 9/27/93 | 7/1/95 |
| (Speaker) | Rep. Frances M. Cummings | 9/17/93 | 6/30/95 |
| **POLLUTION PREVENTION ADVISORY COUNCIL** | | | |
| Ch. 501, Sec. 30, 1993 S.L. (H.B. 976) | | Term–Terminates upon final report | |
| (Pro Tem) | Senator Clark Plexico | 10/18/93 | 10/1/94 |
| | Ms. Carolyn W. Anderson* | | |
| | Mr. Trip Van Noppen* | | |
| | Mr. Lucius Hawkins* | | |
| (See also Appointments of Lt. Governor) | | | |
| (Speaker) | Rep. Karen Gottovi | 11/4/93 | 10/1/94 |
| | Dr. William E. Paige* | | |
| | Ms. Elizabeth Treadway* | | |
| | Mr. Charlie Garner* | | |
| **PRINCIPAL FELLOWS COMMISSION, NORTH CAROLINA** | | Term–four years | |
| G.S. 116–74.41—see Ch. 321, Sec. 85 1993 S.L. (S.B. 27) | | | |
| (Pro Tem) | Ms. Jackie Fishman* | 8/5/93 | 7/1/95 |
| (Speaker) | Mr. Daniel A. Piggott* | 1/19/94 | 7/1/95 |
| **PRIVATE PROTECTIVE SERVICES BOARD** | | Term–three years | |
| G.S. 74C–4(b) | | | |
| (Pro Tem) | Mr. Rodney D. Ballance, Jr.* (**Resigned**) | 8/5/93 | 6/30/96 |
| | Mr. Samuel O. Smith [UT–Ballance*] | 8/27/93 | 6/30/96 |
| (See Also Appointment of Lieutenant Governor) | | | |
| (Speaker) | Mr. Joel Garth Locklear* | 8/3/92 | 6/30/95 |
| | Dr. James C. Purvis* | 10/8/93 | 6/30/96 |
| | Mr. Mack Donaldson* | 7/20/94 | 6/30/97 |
| **PROFESSIONAL TEACHING STANDARDS COMMISSION—** see **TEACHING STANDARDS COMMISSION** | | | |
| **PROPERTY TAX COMMISSION** | | Term–two/four years | |
| G.S. 105–288 | | | |
| (Pro Tem)(Term–Four Years) | | | |
| (See Appointments of Lieutenant Governor until 6/30/95 or vacancy) | | | |
| (Speaker)(Term–Two years) | | | |
| | Mr. George G. Cunningham* | 7/27/93 | 6/30/95 |
| **PUBLIC EMPLOYEES PERSONNEL COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Fred Folger | 11/8/93 | |
| | Senator Joseph E. Johnson | | |
| | Senator Howard Lee | | |
| | Senator Aaron Plyler | | |
| | Senator J.K. Sherron | | |
| | Senator Paul Smith | | |
| | Mr. James Coleman* | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **PUBLIC EMPLOYEES PERSONNEL COMMITTEE/LRC** (Continued) | | | |
| (Speaker) | Rep. Milton F. Fitch, Jr. (Co–Ch) | 12/1/93 | |
| | Rep. Gene G. Arnold | | |
| | Rep. Herman C. Gist | | |
| | Rep. Aaron E. Fussell | | |
| | Rep. Dewey L. Hill | | |
| | Rep. Margaret M. Jeffus | | |
| | Rep. W. Eugene McCombs | | |
| | Rep. Gregory J. Thompson | | |
| (LRC Coordinator) | Senator Austin M. Allran | | |
| **PUBLIC EMPLOYEES RETIREMENT COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator J.K. Sherron (Co–Ch) | 11/22/93 | |
| | Senator Roy A. Cooper | | |
| | Senator John Kerr, III | | |
| | Senator Jeanne Lucas | | |
| | Senator R.L. Martin | | |
| | Senator Alexander Sands | | |
| | Senator Daniel R. Simpson | | |
| | Mr. Cliff Copeland* | 1/5/94 | |
| | Mr. Marvin Wilson* | 1/20/94 | |
| (Speaker) | Rep. Robert Hensley, Jr. (Co–Ch) | 12/1/93 | |
| | Rep. Bobby H. Barbee, Sr. | | |
| | Rep. Walter G. Church, Sr. | | |
| | Rep. Edd Nye | | |
| | Rep. Warren C. Oldham | | |
| | Rep. Liston B. Ramsey | | |
| | Rep. Alex Warner | | |
| | Mr. David Anders* | | |
| (LRC Coordinator) | Senator Austin M. Allran | | |
| **PUBLIC HEALTH COMMITTEE/LRC** | | **Report**–1994; 1995 Session | |
| G.S. 120–30.17(1)—**Abolished**—see Ch. 771, Sec. 2.2, 1993 S.L. (H.B. 1319) | | | |
| (Pro Tem) | Senator Roy A. Cooper, III (Co–Ch) | 11/22/93 | |
| | Senator John B. Codington (**Deceased**) | | |
| | Senator Wib Gulley | | |
| | Senator Joe E. Johnson | | |
| | Ms. Leah Devlin* | | |
| | Mr. Parks Helms* | | |
| | Dr. Thomas O. Miller* | | |
| | Mr. Hood Richardson* | | |
| | Senator Patrick Ballantine [**UT**—Codington] | 4/14/94 | |
| (Speaker) | Rep. W.W. Dickson (Co–Ch) | 12/28/93 | |
| | Rep. John R. Gamble, Jr. | | |
| | Rep. Karen E. Gottovi | | |
| | Rep. James P. Green, Sr. | | |
| | Rep. Richard T. Morgan | | |
| | Rep. Paul W. Sexton, Sr. | | |
| | Ms. Ruth E. Cook* | | |
| | Mr. Robert S. Parker* | | |
| (LRC Coordinator) | Representative Vernon G. James | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **PUBLIC HEALTH STUDY COMMISSION** | | Term–two years/staggered | |
| G.S. 120–197—see Ch. 771, Sec. 2.1, 1993 S.L. (H.B. 1319) | | **Report**–within 30 days of each biennial session | |
| (Pro Tem) | Senator Roy Cooper (Co–Ch) | 10/3/94 | 6/30/95 |
| | Senator Patrick Ballantine | 10/3/94 | 6/30/95 |
| | Senator Wilbur Gulley | 10/3/94 | 6/30/95 |
| | Senator Bill Martin | 10/3/94 | 6/30/95 |
| | Senator Russell Walker | 10/3/94 | 6/30/95 |
| | Mr. Robert Parker* | 10/3/94 | 6/30/95 |
| | Ms. Margie Cole* | 10/3/94 | 6/30/95 |
| (See Also Appointments of Lieutenant Governor) | | | |
| (Speaker) | Rep. Walter W. Dickson (Co–Ch) | 8/29/94 | 6/30/95 |
| | Rep. John R. Gamble | | |
| | Rep. Josephus L. Mavretic | | |
| | Rep. Mary E. McAllister | | |
| | Rep. Paul Wayne Sexton, Sr. | | |
| | Dr. Karen Breach* | | |
| | Dr. John Hatch* | | |
| **PUBLIC SCHOOL ADMINISTRATOR TASK FORCE** | | | |
| Executive Orders No. 23; No. 39 | | | |
| (Pro Tem) | Senator Leslie Winner | 10/22/93 | |
| (Speaker) | Rep. Frances M. Cummings | 10/10/94 | 5/1/95 |
| **QUALITY LEADERSHIP AWARDS COUNCIL, NORTH CAROLINA** | | | |
| Executive Orders No. 10; 13 | | Term–Pleasure of appointive authority | |
| (Pro Tem) | Mr. Ed Burchins* | 10/5/93 | |
| (See also Appointments of Lt. Governor) | | | |
| (Speaker) | Ms. Linda Ashendorf* | 7/1/90 | 6/30/93 |
| **RAIL COUNCIL, NORTH CAROLINA** | | Term–two years | |
| G.S. 143B–363—see Ch. 483, 1993 S.L. (S.B. 64) | | | |
| (Pro Tem) | Senator R. L. Martin | 1/14/94 | 7/1/95 |
| | Mr. Thomas E. Starnes* (**Resigned**) | 1/14/94 | 7/1/95 |
| | Mr. Bruce A. Radford* [UT—Starnes*] | 5/26/94 | 7/1/95 |
| (Speaker) | Rep. Joanne W. Bowie | 2/7/94 | 7/1/95 |
| | Rep. Paul Luebke | | |
| **RAILROAD ADVISORY COMMISSION** | | Term–Pleasure of Appointive Authority | |
| Ch. 754, Sec. 3.1 (S.B. 917); Ch. 1044, Sec. 8 (S.B. 1205), 1991 S.L. | | | |
| (Pro Tem) | Senator R. L. Martin (Designee/Co–Ch) | 10/22/91 | 6/30/95 |
| | Senator Roy A. Cooper III | 1/18/94 | |
| | Senator David Hoyle | | |
| (Speaker) | Rep. Joanne W. Bowie | 12/20/93 | |
| | Rep. Paul Luebke | | |
| **REAL ESTATE APPRAISAL BOARD** | | Term–three years/staggered | |
| G.S. 93A–78—**Repealed**—see G.S. 93E–1–5—see Ch. 419, Sec. 6, 1993 S.L. | | | |
| (Pro Tem) | Mr. Henry Faircloth* | 8/3/93 | 6/30/96 |
| (Speaker) | Ms. Dana E. Outlaw* | 8/5/91 | 6/30/94 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **REVENUE LAWS COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Dennis Winner (Co–Ch) | 11/8/93 | |
| | Senator Betsy L. Cochrane | | |
| | Senator David W. Hoyle | | |
| | Senator John H. Kerr, III | | |
| | Senator Elaine F. Marshall | | |
| | Mr. Joseph G. Deneke* | | |
| | Honorable Robert B. Spivey* | | |
| (Speaker) | Rep. Mary L. Jarrell (Co–Ch) | 12/1/93 | |
| | Rep. Gene G. Arnold | | |
| | Rep. Jerry Braswell | | |
| | Rep. John R. Gamble, Jr. | | |
| | Rep. Paul Luebke | | |
| | Rep. Bradley Miller | | |
| | Rep. Liston B. Ramsey | | |
| | Rep. Kenneth O. Spears, Jr. | | |
| | Rep. Timothy N. Tallent | | |
| | Mr. Leonard W. Jones* | 12/17/93 | |
| (LRC Coordinator) | Senator Robert L. Martin | | |
| **ROANOKE ISLAND COMMISSION** | | Term–two years/staggered | |
| G.S. 143B–131.2—see Ch. 769, Sec. 12.5, 1993 S.L. (S.B. 1505) | | | |
| (Pro Tem) | Mr. Luther Daniels* | 10/1/94 | 10/1/96 |
| | Ms. Dawn Evans* | 10/1/94 | 10/1/97 |
| | Mr. Keith Fearing* | 10/1/94 | 10/1/97 |
| | Mr. Gus Granitzki* | 10/1/94 | 10/1/96 |
| | Ms. JoAnn Williams* | 10/1/94 | 10/1/96 |
| | Ms. Bebe Woody* | 10/1/94 | 10/1/97 |
| (Speaker) | Ms. Dellerva Collins* | 10/6/94 | 10/1/96 |
| | Mr. Charles D. Evans* | 10/6/94 | 10/1/97 |
| | Mrs. Angel E. Khoury* | 10/6/94 | 10/1/97 |
| | Mrs. Ellen Newbold* | 10/6/94 | 10/1/97 |
| | Mr. Allen Poole* | 10/6/94 | 10/1/96 |
| | Mrs. Kathleen B. Seawell* | 10/6/94 | 10/1/96 |
| **SCHOOL HEALTH ADVISORY COMMITTEE, STATE** | | Term–three years | |
| G.S. 115C–81(e)(6)(c) | | | |
| (Pro Tem) | Senator James Forrester | 8/18/94 | 6/30/97 |
| (Speaker) | Rep. Howard C. Barnhill | 9/1/93 | 6/30/96 |
| **SCHOOL SITE–BASED MANAGEMENT, TASK FORCE ON** | | Term–two years | |
| G.S. 115C–238.7—see also Ch. 321, Sec. 144.2(d), (S.B. 27); Ch. 769, Sec. 19.27(b), (S.B. 1505), 1993 S.L. | | | |
| (Pro Tem) | Senator Beverly M. Perdue | 8/24/92 | 9/1/96 |
| | Mr. Frederick L. Bartholomew* | | |
| | Mr. Bobby R. Kornegay* | | |
| | Mrs. Julia Kron* | | |
| | Dr. John A. Murphy* | | |
| | Senator Roy A. Cooper III | 12/31/92 | 9/1/96 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **SCHOOL SITE–BASED MANAGEMENT, TASK FORCE ON** (Continued) | | | |
| (Speaker) | Rep. Anne C. Barnes | 9/1/94 | 6/30/96 |
| | Rep. Gene Rogers | | |
| | Mr. Robert Bingham* | | |
| | Ms. Sarah K. Stewart* | | |
| | Dr. Vivian Woodall* | | |
| | Dr. Norma Sermon–Boyd | | |
| **SCHOOL TECHNOLOGY, COMMISSION ON** | | Term–two years | |
| G.S. 115C–102.5—see Ch. 321, Sec. 135, 1993 S.L. | | **Report**–Final by 5/15/94 | |
| (Pro Tem) | Senator Leslie J. Winner | 8/5/93 | 6/30/94 |
| | Mr. Noble Dillard* | 8/5/93 | 6/30/95 |
| | Mr. Terry Mitchell* | | |
| | Ms. Ruth Murphy* **(Resigned)** | | |
| | Mr. Gary Stepp* (Co–Ch) | | |
| | Mrs. Brenda Tinkam* [UT—Murphy] | 9/22/94 | 6/30/95 |
| (Speaker) | Rep. David H. Diamont | 11/17/93 | 6/30/95 |
| | Ms. Nelda G. Caddell* | | |
| | Mr. Bob Hunt* | | |
| | Ms. Gail Morse* | | |
| | Dr. J. Frank Yeager* | | |
| **SEAFOOD AND AQUACULTURE, JOINT LEGISLATIVE COMMISSION ON** | | | |
| G.S. 120–70.61 | | Term–Coincides with Office | |
| (Pro Tem) | Senator Charles Albertson (Co–Ch) | 8/26/93 | |
| | Senator Howard N. Lee | | |
| | Senator Beverly M. Perdue | | |
| | Senator Robert G. Shaw | | |
| (Speaker) | Rep. E. David Redwine (Co–Ch) | 3/11/93 | 1/30/95 |
| | Rep. Robert Grady | | |
| | Rep. Ronald L. Smith | | |
| | Rep. William L. Wainright | | |
| **SENTENCING AND POLICY ADVISORY COMMISSION, NORTH CAROLINA** | | | |
| G.S. 164–37—see also Ch. 321, Sec. 200.1 (S.B. 27); Ch. 535 (H.B. 1035); Ch. 591, Sec. 6 (H.B. 1605), 1993 S.L. | | | |
| (Pro Tem) | Senator Frank W. Ballance, Jr. | 8/26/93 | 7/1/95 |
| | Senator David R. Parnell | | |
| | Senator A. P. Sands III | | |
| | Ms. Lao Rubert* | | |
| (See also Appointments of Lt. Governor) | | | |
| (Speaker) | Rep. Anne C. Barnes | 9/29/94 | 7/1/95 |
| | Rep. H. Mickey Michaux, Jr. | | |
| | Rep. E. David Redwine | | |
| | Mr. Luther T. Moore* | | |
| **SOLID WASTE MANAGEMENT CAPITAL PROJECTS FINANCING AGENCY** | | | |
| G.S. 159I–4(b) | | Term–two years | |
| (Pro Tem) | Mrs. Caroline C. Parker* | 8/9/91 | 6/30/93 |
| (Speaker) | Hon. Nancy Preston* | 8/31/93 | 6/30/95 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **SOUTHERN STATES ENERGY BOARD** | | Term–Pleasure of appointive authority | |
| G.S. 104D–2 | | | |
| (Pro Tem) | Senator Wib Gulley | 1/14/94 | 12/31/94 |
| (Speaker) | Rep. Joe Hackney | 9/1/93 | 1/30/95 |
| **STATE PARKS AND RECREATION AREAS COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator James Speed (Co–Ch) | 11/18/93 | |
| | Senator Charles Albertson | | |
| | Senator Betsy L. Cochrane | | |
| | Senator J.K. Sherron | | |
| | Mr. George Barnes* | | |
| | Mr. J.K. Long* | | |
| | Mr. Jonathan H. Woody* | | |
| (Speaker) | Rep. Daniel H. DeVane (Co–Ch)(**Resigned**) | 12/1/93 | |
| | Rep. Paul Luebke (Co–Ch)[**UT**—DeVane] | 3/31/94 | |
| | Rep. Thomas K. Jenkins | 12/1/93 | |
| | Rep. Theodore J. Kinney | | |
| | Rep. Jean R. Preston | | |
| | Rep. Kenneth O. Spears, Jr. | | |
| | Rep. John H. Weatherly | | |
| | Rep. Wade F. Wilmoth | | |
| (LRC Coordinator) | Senator Lura S. Tally | | |
| **STATE PURCHASING COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator John Kerr III (Co–Ch) | 11/10/93 | |
| | Senator Luther Jordan, Jr. | | |
| | Senator Ted Kaplan | | |
| | Senator J.K. Sherron | | |
| | Mr. Max E. Baldwin* | | |
| | Mr. Willis Holding, Jr.* | | |
| | Mr. Phil Miller* | | |
| (Speaker) | Rep. Alex Warner (Co–Ch) | 12/1/93 | |
| | Rep. Narvel J. Crawford | | |
| | Rep. Anderson Cromer | | |
| | Rep. Mary E. McAllister | | |
| | Rep. W. Franklin Mitchell | | |
| | Rep. Edd Nye | | |
| | Mr. Julian Brown* | | |
| | Rep. John M. Nichols | 12/17/93 | |
| | Rep. Mary L. Jarrell | 1/3/94 | |
| (LRC Coordinator) | Senator J.K. Sherron | | |
| **STATE–OWNED SUBMERGED LANDS COMMITTEE/LRC—see LANDS** | | | |
| **SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD, NORTH CAROLINA** | | Term–three years | |
| G.S. 90–113.32—see Ch. 685, 1993 S.L. (H.B. 1142) | | | |
| (Pro Tem) | Dr. Frederick B. Glaser* | 7/19/94 | 6/30/97 |
| (Speaker) | (Not available at time of printing) | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **TEACHER STAFF DEVELOPMENT, TASK FORCE ON** | | **Report**–By 3/1/94 | |
| Ch. 321, Sec. 141 (S.B. 27); Ch. 553, Sec. 83.3 (H.B. 544), 1993 S.L. | | | |
| (Pro Tem) | Ms. Carrie Sue Florence* | 9/10/93 | 7/1/95 |
| | Ms. Helen S. Heavner* | | |
| | Ms. Ann Mc Arthur* | | |
| | Ms. Carolyn O. McKinsey* | | |
| (Speaker) | Ms. Carolyn A. Mann* | 10/7/93 | 7/1/95 |
| | Ms. Geraldine S. McGlohon* | | |
| | Ms. Joyce Elliott* | | |
| | Mr. Sid P. Baker* | | |
| **TEACHER TRAINING TASK FORCE** | | Term–None Specified | |
| Ch. 971, 1991 S.L. (H.B. 1357)—see also Ch. 561, Sec. 58, 1993 S.L. (S.B. 26) | | | |
| (Pro Tem) | Senator Ed N. Warren | 9/1/92 | 4/1/94 |
| (Speaker) | Rep. R. Eugene Rogers | 10/2/92 | 4/1/94 |
| **TEACHING STANDARDS COMMISSION, NORTH CAROLINA PROFESSIONAL** | | Term–two years | |
| G.S. 115C–295.1—see Ch. 740, 1993 S.L. (S.B. 883) | | **Report**–by 1/1/95 | |
| (Pro Tem) | Mr. Greg Moore* | 9/21/94 | 9/1/96 |
| | Mr. Carl Stewart* | | |
| | Mrs. Virginia Haynes* | 10/12/94 | 9/1/96 |
| (Speaker) | Mr. Thomas T. Blanford* | 10/12/94 | 9/1/96 |
| | Ms. Lula D. Bond* | | |
| | Ms. Julia R. Russell* | | |
| **TOBACCO WAREHOUSE COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator Charles W. Albertson (Co–Ch) | 11/22/93 | |
| | Senator Luther Jordan | | |
| | Senator Elaine F. Marshall | | |
| | Senator David R. Parnell | | |
| | Senator R.C. Soles, Jr. | | |
| | Mr. Jeff Turner* | | |
| | Mr. Billy Yeargan* | | |
| (Speaker) | Rep. Edward C. Bowen (Co–Ch) | 12/28/93 | |
| | Rep. Arlie F. Culp | | |
| | Rep. Frances Cummings | | |
| | Rep. Namon Leo Daughtry | | |
| | Rep. Dewey L. Hill | | |
| | Rep. Charles L. McLawhorn | | |
| | Rep. John M. Nichols | | |
| | Rep. Richard E. Rogers | | |
| (LRC Coordinator) Representative Harold J. Brubaker | | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **TRANSPORTATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE** | | | |
| G.S. 120–70.50— see Ch. 321, Sec. 169.2, 1993 S.L. (S.B. 27) | | | Term–two years |
| (Pro Tem) | Senator Howard N. Lee (Co–Ch) | 4/7/93 | 1/14/95 |
| | Senator Ralph A. Hunt **(Resigned)** | | |
| | Senator Elaine F. Marshall | | |
| | Senator R.L. Martin | | |
| | Senator J. Clark Plexico | | |
| | Senator Daniel R. Simpson | | |
| | Senator Paul S. Smith | | |
| | Senator James D. Speed | | |
| | Senator David Hoyle [**UT**—Hunt] | 8/1/93 | 1/14/95 |
| (Speaker) | Rep. John B. McLaughlin (Co–Ch) | 3/8/93 | 1/14/95 |
| | Rep. Joanne W. Bowie | | |
| | Rep. Daniel H. DeVane | | |
| | Rep. Robert Grady | | |
| | Rep. Robert C. Hunter | | |
| | Rep. Mary E. McAllister | | |
| | Rep. George S. Robinson | | |
| | Rep. Peggy M. Stamey **(Resigned)** | | |
| | Rep. Edward C. Bowen [**UT**–Stamey] | 11/4/93 | 1/14/95 |
| **TRAVEL AND TOURISM, NORTH CAROLINA BOARD** | | | Term–two years |
| G.S. 143B–434.1 | | | |
| (Pro Tem) | Senator Howard N. Lee | 1/1/93 | 12/31/94 |
| | Senator Beverly M. Perdue | 1/1/93 | 12/31/94 |
| | Mr. Ralph Peters* | 1/1/93 | 12/31/94 |
| | Mr. William Jordan Williamson, Jr.* | 1/1/93 | 12/31/94 |
| | Senator J. Richard Conder | 1/1/95 | 12/31/96 |
| | Senator Beverly M. Perdue | 1/1/95 | 12/31/96 |
| | Mr. Ward Barnett* | 1/1/95 | 12/31/96 |
| | Mr. Barry Hipps* | 1/1/95 | 12/31/96 |
| (Speaker) | Rep. Ronald L. Smith | 3/11/93 | 12/31/94 |
| | Rep. Judy Hunt **(Resigned)** | 3/11/93 | 12/31/94 |
| | Ms. Victoria Sutton* | 3/11/93 | 12/31/94 |
| | Ms. Becky Williams* | 3/11/93 | 12/31/94 |
| | Rep. Thomas K. Jenkins [**UT**—Hunt] | 2/17/94 | 12/31/94 |
| **UNC BOARD OF GOVERNORS APPOINTMENT PROCESS COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | | **Report**–1994; 1995 Session |
| (Pro Tem) | Senator Ed Warren (Co–Ch) | 11/9/93 | |
| | Senator Richard Conder | | |
| | Senator William N. Martin | | |
| | Senator Robert Shaw | | |
| | Senator Marvin Ward | | |
| | Mr. Sam T. Carson, Sr.* | | |
| | Mrs. Helen Marvin* | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **UNC BOARD OF GOVERNORS APPOINTMENT PROCESS COMMITTEE/LRC** (Continued) | | | |
| (Speaker) | Rep. Warren C. Oldham (Co–Ch) | 12/1/93 | |
| | Rep. Phillip A. Baddour, Jr. | | |
| | Rep. Lyons Gray | | |
| | Rep. Charles L. McLawhorn | | |
| | Rep. Charles R. Preston | | |
| | Rep. Richard E. Rogers | | |
| | Dr. Joy J. Johnson* | | |
| (LRC Coordinator) | Representative W. Pete Cunningham | | |
| **UNDERGROUND STORAGE TANK FUNDS COUNCIL, PETROLEUM** | | | |
| G.S. 143–215.94O | | Term–two years | |
| (Pro Tem) | Mr. Charlie Diehl* (**Resigned**) | 12/22/93 | 6/30/95 |
| | Mr. James T. Fain* | 12/22/93 | 6/30/95 |
| | Mr. Thomas Mehder* | 12/22/93 | 6/30/95 |
| | Mr. Craig W. Moorehead* | 12/22/93 | 6/30/95 |
| | Mr. Bill Weatherspoon* | 12/22/93 | 6/30/95 |
| | Mr. Jim Eaton* [UT—Diehl*] | 7/19/94 | 6/30/95 |
| (Speaker) | Mr. Glen Anderson* | 2/22/94 | 6/30/95 |
| | Mr. George A. Dorsett, Jr.* | 2/22/94 | 6/30/95 |
| | Mr. John David Grady, Jr.* | 2/22/94 | 6/30/95 |
| | Mr. Bo Rader* | 2/22/94 | 6/30/95 |
| **UTILITY REVIEW COMMITTEE, JOINT LEGISLATIVE** | | | |
| G.S. 120–70.2 | | Term–Pleasure of appointive authority | |
| (Pro Tem) | Senator Joe Johnson (Co–Ch) | 3/22/93 | |
| | Senator Mary P. Seymour (**Deceased**) | | |
| | Senator Paul Smith | | |
| | Senator David Hoyle [UT—Seymour] | 9/7/94 | |
| (Speaker) | Rep. David T. Flaherty, Jr. | 11/17/93 | 1/30/95 |
| | Rep. Erin J. Kuczmarski | | |
| | Rep. George W. Miller, Jr. | | |
| **VOCATIONAL REHABILITATION ADVISORY COUNCIL—formerly— BUSINESS AND CONSUMER ADVISORY COUNCIL** | | | |
| G.S. 143–548—see Ch. 248, 1993 S.L. (H.B. 611) | | Term–three years | |
| (Pro Tem) | Mr. Glenn T. Lloyd* | 9/1/92 | 9/1/95 |
| | Mr. C. O. Tyndall* | | |
| | Mr. Felton J. Capel* | | |
| | Mr. Roy Evans* | | |
| (Speaker) | Ms. Martha Brock* | 8/17/94 | 6/30/96 |
| | Dr. N.N. Fullwood, Phd.* | 8/17/94 | 6/30/95 |
| | Mr. Phil Kosak* | 8/17/94 | 6/30/97 |
| | Ms. Brenda Patton* | 8/17/94 | 6/30/97 |
| | Mr. N.E. Ross* | 8/17/94 | 6/30/96 |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **VOCATIONAL AND TECHNICAL EDUCATION, TASK FORCE ON** | | | |
| Ch. 769, Sec. 19.10, 1993 S.L. (S.B. 1505) | | | |
| (Pro Tem) | Senator Luther H. Jordan, Jr. | 9/27/94 | 3/1/96 |
| | Senator Ed Warren | | |
| | Mr. Dale Gainey* | | |
| | Mr. William A. Downey, Sr.* | 10/17/94 | 3/1/96 |
| (Speaker) | Rep. Vance Alphin | 10/7/94 | 3/1/96 |
| | Rep. Foyle Hightower, Jr. | | |
| | Ms. Dianne G. Cook* | | |
| | Mr. William A. Downey, Sr.* | | |
| **WASTEWATER SYSTEMS INSTITUTE, NORTH CAROLINA ON–SITE, BOARD OF DIRECTORS** | | | Term–two years |
| G.S. 130A–344 | | | |
| (Pro Tem) | Mr. T. M. Franklin* | 8/31/92 | 6/30/95 |
| | Mr. Doug Lassiter* | | |
| | Mr. Furnie V. Singletary, Jr.* | | |
| | Mr. Eddie Stallings* | | |
| | Mr. Latt Moretz* | | |
| (Speaker) | Mr. John T. Bell* | 10/9/92 | 6/30/95 |
| | Mr. Mac Dendy* | | |
| | Mr. Robert Epting* | | |
| | Mr. John S. Myers* | | |
| | Mr. Leonard Wood* | | |
| **WATER ISSUES, GROUND AND SURFACE/LRC** | | **Report**–1994; 1995 Session | |
| Ch. 754, Sec. 2.1(3)(49) , 1991 S.L. (S.B. 917)—**Continued** per G.S. 120–30.17(1) | | | |
| (Pro Tem) | Senator Lura S. Tally (Co–Ch) | 11/18/93 | |
| | Senator Charles W. Albertson | | |
| | Senator T. LaFontine Odom | | |
| | Senator Robert G. Shaw | | |
| | Mr. Jerry Kelly* | | |
| | Mr. Melvin Shepherd* | | |
| | Mr. David Springer* | | |
| (Speaker) | Rep. Aaron E. Fussell (Co–Ch) | 12/1/93 | |
| | Rep. David G. Balmer | | |
| | Rep. Karen E. Gottovi | | |
| | Rep. William M. Ives | | |
| | Rep. Vernon G. James | | |
| | Rep. Theodore J. Kinney | | |
| | Rep. Alex Warner | | |
| (LRC Coordinator) Senator Lura S. Tally | | | |
| **WATERSHED PROTECTION ADVISORY COUNCIL** | | | Term–two years |
| G.S. 143–214.6(a) | | | |
| (Pro Tem) | Hon. Jerry Campbell* | 1/11/94 | 6/30/95 |
| | Mrs. Patsy R. McGee* | | |
| (Speaker) | Mr. William H. Stanley* | 12/21/93 | 6/30/95 |
| | Mr. Robert D. Shaw* | | |

* Citizen Appointee
[UT]—Filling Unexpired Term

| President Pro Tempore/Speaker Appointments | | Appointed | Expires |
|---|---|---|---|
| **WELFARE REFORM, LEGISLATIVE STUDY COMMISSION** | | | |
| Ch. 24, Sec. 47, 1994 Extra S.L. (S.B. 150) | | Term–Terminates Upon Final Report | |
| (Pro Tem) | Senator William Martin (Co–Ch) | 9/20/94 | 2/1/95 |
| | Senator Betsy Cochrane | | |
| | Senator Ted Kaplan | | |
| | Senator John Kerr | | |
| | Senator Elaine Marshall | | |
| | Mr. Dan Beerman* | | |
| | Mr. E. C. Modlin* | | |
| (Speaker) | Rep. E. David Redwine (Co–Ch) | 9/13/94 | 2/1/95 |
| | Rep. Joanne W. Bowie | | |
| | Rep. W. Pete Cunningham | | |
| | Rep. Howard J. Hunter, Jr. | | |
| | Rep. William O. Richardson | | |
| | Mr. John T. Blair* | | |
| | Ms. Sorien K. Schmidt* | | |
| **WILDLIFE RESOURCES COMMISSION, NORTH CAROLINA** | | | Term–two years |
| G.S. 143–240—see also Ch. 684, Sec. 13, 1993 S.L. (S.B. 591) | | | |
| (Pro Tem) | Mr. Russell Mohn Hull, Jr.* | 7/19/94 | 4/24/95 |
| | Dr. H. A. Phillips* | 7/19/94 | 4/24/95 |
| (See also Appointments of Lt. Governor) | | | |
| (Speaker) | Mrs. Susan L. Allen* **(Resigned)** | 7/27/93 | 4/24/95 |
| | Mr. James B. Black, Jr.* **[UT**—Allen*] | 7/22/94 | 4/24/95 |
| **WORKERS' COMPENSATION COMMITTEE/LRC** | | | |
| G.S. 120–30.17(1) | | **Report**–1994; 1995 Session | |
| (Pro Tem) | Senator George Daniel (Co–Ch) | 11/8/93 | |
| | Senator Betsy L. Cochrane | | |
| | Senator Fletcher Hartsell | | |
| | Senator David Hoyle | | |
| | Senator John H. Kerr | | |
| | Senator Donald R. Kincaid | | |
| | Senator Howard Lee | | |
| | Senator Aaron Plyler | | |
| | Senator J.K. Sherron, Jr. | | |
| (Speaker) | Rep. Milton F. Fitch, Jr. (Co–Ch) | 12/15/93 | |
| | Rep. Anne C. Barnes | | |
| | Rep. Joanne W. Bowie | | |
| | Rep. E. Nelson Cole | | |
| | Rep. W. Pete Cunningham | | |
| | Rep. Jerry C. Dockham | | |
| | Rep. David T. Flaherty, Jr. | | |
| | Rep. Bradley Miller | | |
| | Rep. Martin L. Nesbitt | | |
| | Rep. Michael S. Wilkins | | |
| (LRC Coordinator) | Senator Austin M. Allran | | |

NOTE: Appointments made between **1989** and **1992** were made by the following:
President *Pro Tempore*—The Honorable Henson P. Barnes

Appointments made between **1989** and **1990** were made by the following:
Speaker of the House of Representatives—
The Honorable Josephus L. Mavretic

* Citizen Appointee
[UT]—Filling Unexpired Term

# NATIONAL CONFERENCE OF STATE LEGISLATURES STANDING COMMITTEES

(Term coincides with Legislative term)

## ASSEMBLY ON THE LEGISLATURE

| *President Pro Tempore* | *Speaker* |
|---|---|
| **Arts and Tourism** | |
| Senator Ed Warren | Speaker *Pro Tempore*<br>Marie W. Colton |
| **Children, Families, and Social Services** | |
| Senator Russell Walker | Rep. Howard Hunter<br>Rep. Charlotte Gardner (Alternate) |
| **Commerce and Economic Development** | |
| Senator David Hoyle | Rep. Pete Cunningham<br>Rep. Richard Morgan (Alternate) |
| **Communications and Information Policy** | |
| Senator William Martin | Rep. George Miller<br>Rep. Thomas Wright (Alternate) |
| **Criminal Justice** | |
| Senator David Parnell | Rep. Robert Hensley<br>Rep. George Robinson (Alternate) |
| **Education** | |
| Senator Beverly Perdue | Rep. Anne Barnes<br>Rep. Gene Rogers (Alternate) |
| **Fiscal Affairs and Oversight** | |
| Senator George Daniel | Rep. David Diamont<br>Rep. Paul Luebke (Alternate) |
| **Labor** | |
| Senator R. L. Martin | Rep. Charles Beall<br>Rep. Phillip Baddour (Alternate) |
| **Legislative Management** | |
| Senator Alexander Sands | Denise Weeks, Principal Clerk |
| **Science, Energy and Environmental Resources** | |
| Senator Clark Plexico | Rep. Karen Gottovi<br>Rep. Shawn Lemmond (Alternate) |
| **State–Local Relations** | |
| Senator Fred Folger | Rep. Wade Wilmoth (Alternate) |
| **Developmental Disabilities Task Force** | |
| Senator Betsy Cochrane | Rep. Theresa Esposito<br>Rep. Martha Alexander (Alternate) |
| **Reapportionment Task Force** | |
| Senator Dennis Winner | Rep. Toby Fitch<br>Mr. Glenn Newkirk (Alternate) |

# STATE–FEDERAL ASSEMBLY

**Agriculture and Forestry**
Senator Charles Albertson — Rep. Ed Bowen
Senator Elaine Marshall (Alternate) — Rep. Vernon James (Alternate)

**Commerce, Labor and Regulation**
Senator J. K. Sherron — Rep. David Redwine
Senator Fletcher Hartsell (Alternate) — Rep. Robert Brawley (Alternate)

**Communications**
Senator Mary Seymour — Rep. Lyons Gray
Senator Luther Jordan (Alternate) — Rep. James Black (Alternate)

**Education and Job Training**
Senator Marvin Ward — Rep. Warren Oldham
Senator C. R. Edwards (Alternate) — Rep. Alex Warner (Alternate)

**Energy**
Senator Paul Smith — Rep. Carolyn Russell (Alternate)
Senator Wilbur Gulley (Alternate)

**Environment**
Senator Lura Tally — Rep. Joe Hackney
Senator Fountain Odom (Alternate) — Rep. Daniel DeVane (Alternate)

**Federal Budget and Taxation**
Senator Aaron Plyler — Rep. Martin L. Nesbitt
Senator George Daniel (Alternate) — Rep. Bertha Holt (Alternate)

**Health**
Senator Jim Richardson — Rep. Joe Mavretic
Senator Leslie Winner (Alternate) — Rep. J. P. Green (Alternate)

**Human Services**
Senator C. R. Edwards — Rep. Edd Nye
Senator James Forrester (Alternate) — Rep. W. W. Dickson (Alternate)

**International Trade**
Senator Ted Kaplan — Rep. Annie Kennedy
Senator John Kerr (Alternate) — Rep. Charles McLawhorn (Alternate)

**Law and Justice**
Senator Fountain Odom — Rep. Toby Fitch
Senator Roy Cooper (Alternate) — Rep. Larry Justus (Alternate)

**Transportation**
Senator Howard Lee — Rep. John McLaughlin (Alternate)
Senator James Speed (Alternate)

# SOUTHERN LEGISLATIVE CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS

**Appointing Authority:** *President Pro Tempore*

**Executive Committee**
Senator Marc Basnight
Senator J. Richard Conder (Alternate)

**Agriculture and Rural Development Committee**
Senator Charles W. Albertson
Senator James D. Speed
Senator Donald R. Kincaid (Alternate)
Senator Elaine F. Marshall (Alternate)

**Economic and Cultural Development Committee**
Senator David W. Hoyle
Senator Ed Warren
Senator R. C. Soles, Jr. (Alternate)
Senator Austin Allran (Alternate)

**Education Committee**
Senator Marvin Ward
Senator Beverly M. Perdue
Senator Leslie Winner (Alternate)
Senator William N. Martin (Alternate)

**Energy Committee**
Senator J. Clark Plexico
Senator John H. Kerr
Senator Paul S. Smith (Alternate)
Senator Robert C. Carpenter (Alternate)

**Environmental Quality and Natural Resources Committee**
Senator Lura Tally
Senator R. L. Martin
Senator Linda H. Gunter (Alternate)
Senator John G. Blackmon (Alternate)

**Federal Preemption and State/Federal Affairs Committee**
Senator J. K. Sherron, Jr.
Senator Alexander P. Sands
Senator Robert G. Shaw (Alternate)
Senator Roy A. Cooper (Alternate)

**Fiscal Affairs and Government Operations Committee**
Senator Aaron W. Plyler
Senator George B. Daniel
Senator J. Richard Conder
Senator J. K. Sherron, Jr. (Alternate)
Senator Ed Warren (Alternate)
Senator Ted Kaplan (Alternate)

**Southern Legislative Conference/CSG Appointments** (Continued)

**Human Resources Committee**
Senator Russell G. Walker
Senator Jim Richardson
Senator John B. Codington (Alternate)
Senator Betsy L. Cochrane (Alternate)

**Justice and Consumer Affairs Committee**
Senator Frank W. Ballance, Jr.
Senator Fountain Odom
Senator David R. Parnell (Alternate)
Senator Fred Folger, Jr. (Alternate)

**Transportation Committee**
Senator Howard N. Lee
Senator Herbert L. Hyde
Senator Daniel R. Simpson (Alternate)
Senator Wilbur P. Gulley (Alternate)

# NORTH CAROLINA GENERAL ASSEMBLY
# 1993 SESSION

## SENATE COMMITTEE ASSIGNMENTS

**COMMITTEE NAME** — **STANDING MEETING TIME/ROOM**

**AGRICULTURE, MARINE RESOURCES AND WILDLIFE COMMITTEE:**
**Tuesday—Rm 1124—11:00 AM**

| | |
|---|---|
| **Chairman:** | Senator Albertson |
| **Vice–Chairmen:** | Senator Kincaid |
| | Senator Speed |
| **Ranking Minority:** | Senator Simpson |
| **Senators:** | Marshall, Perdue, Plyler, Sands, Shaw, Soles, Tally, Ward, Warren |

**APPROPRIATIONS COMMITTEE:** **Tues/Wed/Thurs—Rm 643—8:30 AM**

| | |
|---|---|
| **Chairmen:** | Senator Daniel |
| | Senator Plyler |
| **Vice–Chairmen:** | Senator Kaplan |
| | Senator Martin of Guilford |
| | Senator Perdue |
| | Senator Walker |
| **Vice–Chairman and Ranking Minority:** | Senator Kincaid |
| **Senators:** | Albertson, Ballance, Ballantine, Blackmon, Carpenter, Cochrane, Conder, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hyde, Jordan, Lee, Marshall, Martin of Pitt, Odom, Plexico, Richardson, Sherron, Simpson, Smith, Speed, Tally, Ward, Warren, Winner of Mecklenburg |

**APPROPRIATIONS – DEPARTMENT OF TRANSPORTATION COMMITTEE:**
**Tues/Wed/Thurs—Rm 1027—8:30 AM**

| | |
|---|---|
| **Chairman:** | Senator Lee |
| **Vice–Chairman:** | Senator Kaplan |
| **Ranking Minority:** | Senator Carpenter |
| **Senators:** | Albertson, Sherron, Speed |

**APPROPRIATIONS – EDUCATION COMMITTEE:**
**Tues/Wed/Thurs—Rm 414—8:30 AM**

| | |
|---|---|
| **Chairman:** | Senator Ward |
| **Vice–Chairman:** | Senator Warren |
| **Ranking Minority:** | Senator Smith |
| **Senators:** | Edwards, Perdue, Simpson, Winner of Mecklenburg |

**APPROPRIATIONS – GENERAL GOVERNMENT COMMITTEE:**
**Tues/Wed/Thurs—Rm 1124—8:30 AM**

| | |
|---|---|
| **Chairman:** | Senator Plexico |
| **Vice–Chairman:** | Senator Martin of Guilford |
| **Ranking Minority:** | Vacant |
| **Senators:** | Ballantine, Conder, Gunter |

**APPROPRIATIONS – HUMAN RESOURCES COMMITTEE:**
**Tues/Wed/Thurs—Rm 422—8:30 AM**

| | |
|---|---|
| **Chairman:** | Senator Richardson |
| **Vice–Chairman:** | Senator Harris |
| **Ranking Minority:** | Senator Forrester |
| **Senators:** | Gulley, Hyde, Walker |

**APPROPRIATIONS – JUSTICE AND PUBLIC SAFETY COMMITTEE:**
**Tues/Wed/Thurs—Rm 634—8:30 AM**

| | |
|---|---|
| **Chairman:** | Senator Odom |
| **Vice–Chairman:** | Senator Ballance |
| **Ranking Minority:** | Senator Blackmon |
| **Senators:** | Folger, Marshall |

**APPROPRIATIONS – NATURAL AND ECONOMIC RESOURCES COMMITTEE:**
**Tues/Wed/Thurs—Rm 423—8:30 AM**

| | |
|---|---|
| **Chairman:** | Senator Martin of Pitt |
| **Vice–Chairmen:** | Senator Tally |
| **Vice–Chairman and Ranking Minority:** | Senator Cochrane |
| **Senators:** | Hoyle, Jordan, Kincaid |

**BANKS AND THRIFT INSTITUTIONS COMMITTEE:**
**Thursday—Rm 1027—11:00 AM**

| | |
|---|---|
| **Chairman:** | Senator Warren |
| **Vice–Chairmen:** | Senator Jordan<br>Senator Marshall |
| **Ranking Minority:** | Senator Kincaid |
| **Senators:** | Ballance, Carpenter, Cochrane, Edwards, Harris, Hartsell, Hoyle, Johnson, Kaplan, Lucas, Perdue, Richardson, Seymour, Soles, Walker, Winner of Buncombe |

**CAPITAL EXPENDITURES AND IMPROVEMENTS COMMITTEE:**
**Tuesday—Rm 1124—12:00 Noon**

| | |
|---|---|
| **Chairman:** | Senator Kaplan |
| **Vice–Chairman:** | Senator Sherron |
| **Ranking Minority:** | Senator Simpson |
| **Senators:** | Daniel, Kincaid, Lee, Lucas, Martin of Pitt, Martin of Guilford, Odom, Plexico, Plyler, Richardson, Shaw, Smith, Ward, Winner of Buncombe |

**CHILDREN AND HUMAN RESOURCES COMMITTEE:**

**Wednesday—Rm 544—11:00AM**

| | |
|---|---|
| **Chairman:** | Senator Walker |
| **Vice–Chairmen:** | Senator Albertson |
| | Senator Harris |
| **Ranking Minority:** | Senator Forrester |
| **Senators:** | Allran, Ballantine, Cochrane, Cooper, Daniel, Martin of Guilford, Perdue, Plexico, Richardson, Speed, Tally, Ward, Winner of Mecklenburg |

**SUBCOMMITTEE ON VETERAN AND MILITARY AFFAIRS AND SENIOR CITIZENS:**

| | |
|---|---|
| **Chairman:** | Senator Harris |
| **Senators:** | Cochrane, Daniel, Speed, Tally |

**CONSTITUTION AND ELECTIONS LAWS COMMITTEE:**

**Wednesday—Rm 1124—12:00 Noon**

| | |
|---|---|
| **Chairman:** | Senator Hyde |
| **Vice–Chairman:** | Senator Folger |
| **Ranking Minority:** | Senator Smith |
| **Senators:** | Allran, Ballance, Cooper, Daniel, Gunter, Hartsell, Kaplan, Lee, Plexico, Sands, Walker, Winner of Buncombe, Winner of Mecklenburg |

**ECONOMIC DEVELOPMENT/TRAVEL AND TOURISM COMMITTEE:**

**Tuesday—Rm 1028—11:00 AM**

| | |
|---|---|
| **Chairman:** | Senator Edwards |
| **Vice Chairmen:** | Senator Ballance |
| | Senator Seymour |
| **Ranking Minority:** | Senator Carpenter |
| **Senators:** | Allran, Blackmon, Cooper, Hoyle, Hyde, Jordan, Kerr, Martin of Pitt, Plyler, Richardson, Soles |

**EDUCATION/HIGHER EDUCATION COMMITTEE:**

**Tuesday—Rm 1027—12:00 Noon**
**Wednesday—Rm 1027—10:00 AM**

| | |
|---|---|
| **Chairman:** | Senator Perdue |
| **Vice–Chairmen:** | Senator Gunter |
| | Senator Lee |
| | Senator Smith |
| | Senator Warren |
| **Ranking Minority:** | Senator Cochrane |
| **Senators:** | Conder, Cooper, Edwards, Forrester, Gulley, Hartsell, Hoyle, Hyde, Lucas, Marshall, Sands, Speed, Ward, Winner of Mecklenburg |

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE:** **Thursday—Rm 1124—11:00 AM**

**Chairman:** Senator Tally
**Vice–Chairmen:** Senator Cochrane
Senator Kerr
Senator Ward
**Ranking Minority:** Senator Blackmon
**Senator:** Cooper, Gulley, Gunter, Odom, Plexico, Sands, Simpson, Speed, Winner of Mecklenburg

**FINANCE COMMITTEE:** **Wed/Thurs—Rm 544—8:30 AM**

**Chairman:** Senator Winner of Buncombe
**Vice–Chairmen:** Senator Conder
Senator Kaplan
Senator Sherron
**Ranking Minority:** Senator Allran
**Senators:** Cooper, Hartsell, Johnson, Kerr, Lucas, Parnell, Sands, Seymour, Shaw, Soles

**INSURANCE COMMITTEE:** **Wednesday—Rm 1124—11:00 AM**

**Chairman:** Senator Parnell
**Vice–Chairmen:** Senator Hyde
Senator Johnson
Senator Smith
**Ranking Minority:** Senator Kincaid
**Senators:** Ballance, Ballantine, Harris, Kerr, Lee, Martin of Guilford, Odom, Sands, Seymour, Soles

**JUDICIARY I COMMITTEE:** **Tues/Thurs—Rm 1027—10:00 AM**

**Chairman:** Senator Ballance
**Vice–Chairmen:** Senator Folger
Senator Kerr
Senator Sands
**Ranking Minority:** Senator Hartsell
**Senators:** Ballantine, Blackmon, Daniel, Lee, Marshall, Parnell, Richardson, Tally, Winner of Buncombe

**JUDICIARY II COMMITTEE:** **Tues/Thurs—Rm 1124—10:00 AM**

**Chairman:** Senator Cooper
**Vice–Chairmen:** Senator Odom
Senator Soles
Senator Winner of Mecklenburg
**Ranking Minority:** Senator Allran
**Senators:** Carpenter, Gulley, Harris, Hyde, Johnson, Martin of Guilford, Plexico, Simpson, Speed

**LOCAL GOVERNMENT AND REGIONAL AFFAIRS COMMITTEE:**
**Wednesday—Rm 1027—11:00 AM**

| | |
|---|---|
| **Chairman:** | Senator Folger |
| **Vice–Chairman:** | Senator Gulley |
| **Ranking Minority:** | Senator Hartsell |
| **Senators:** | Albertson, Blackmon, Ballance, Edwards, Gunter, Lee, Marshall, Shaw, Winner of Buncombe |

**MANUFACTURING AND LABOR COMMITTEE:**
**Thursday—Rm 1027—12:00 Noon**

| | |
|---|---|
| **Chairman:** | Senator Kerr |
| **Vice–Chairmen:** | Senator Allran |
| | Senator Cooper |
| | Senator Plexico |
| **Ranking Minority:** | Senator Kincaid |
| **Senators:** | Albertson, Ballance, Edwards, Gulley, Hartsell, Hoyle, Hyde, Richardson, Seymour, Winner of Mecklenburg |

**PENSIONS AND RETIREMENT COMMITTEE:**
**Thursday—Rm 1124—12:00 Noon**

| | |
|---|---|
| **Chairman:** | Senator Harris |
| **Vice–Chairman:** | Senator Edwards |
| **Ranking Minority:** | Senator Carpenter |
| **Senators:** | Conder, Daniel, Forrester, Johnson, Kaplan, Lucas, Plyler, Sherron, Smith, Simpson, Soles, Speed, Walker, Ward, Warren, Winner of Buncombe |

**PUBLIC UTILITIES COMMITTEE:** **Wednesday—Rm 1027—12:00 Noon**

| | |
|---|---|
| **Chairman:** | Senator Seymour |
| **Vice–Chairmen:** | Senator Kerr |
| | Senator Parnell |
| **Ranking Minority:** | Senator Cochrane |
| **Senators:** | Carpenter, Forrester, Gulley, Harris, Hoyle, Johnson, Jordan, Lucas, Martin of Pitt, Perdue, Smith, Soles, Tally, Warren |

**RULES AND OPERATION OF THE SENATE COMMITTEE:**
**Upon Call of Chairman**

| | |
|---|---|
| **Chairman:** | Senator Sands |
| **Vice–Chairmen:** | Senator Ballance |
| | Sentor Conder |
| **Ranking Minority:** | Senator Hartsell |
| **Senators:** | Blackmon, Carpenter, Cooper, Daniel, Harris, Martin of Pitt, Odom, Parnell, Perdue, Plyler, Seymour, Simpson, Soles, Ward, Winner of Buncombe |

**STATE PERSONNEL AND STATE GOVERNMENT COMMITTEE:**
**Wednesday—Rm 1124—10:00 AM**

| | |
|---|---|
| **Chairman:** | Senator Johnson |
| **Vice–Chairman:** | Senator Martin of Pitt |
| **Vice–Chairman and Ranking Minority:** | Senator Simpson |
| **Senators:** | Allran, Cochrane, Daniel, Folger, Jordan, Kerr, Martin of Guilford, Parnell, Plyler, Seymour, Sherron, Walker |

**TRANSPORTATION COMMITTEE:** **Tuesday—RM 1027—11:00 AM**

| | |
|---|---|
| **Chairman:** | Senator Speed |
| **Vice–Chairmen:** | Senator Hoyle<br>Senator Perdue |
| **Ranking Minority:** | Senator Smith |
| **Senators:** | Allran, Blackmon, Carpenter, Conder, Folger, Gulley, Gunter, Jordan, Lee, Lucas, Odom, Parnell, Seymour, Sherron, Walker, Warren |

**WAYS AND MEANS COMMITTEE:** **Upon Call of Chairman .**

| | |
|---|---|
| **Chairman :** | Senator Sherron |
| **Vice–Chairmen:** | Senator Plyler<br>Senator Winner of Buncombe |
| **Ranking Minority:** | Senator Allran |
| **Senators:** | Ballantine, Conder, Daniel, Forrester, Harris, Kaplan, Lee, Lucas, Martin of Pitt, Odom, Plexico, Sands, Shaw, Soles, Ward, Warren |

**BONDS SELECT COMMITTEE:** **Upon Call of Chairman**

| | |
|---|---|
| **Chairman:** | Senator Winner of Mecklenburg |
| **Senators:** | Edwards, Forrester, Hoyle, Kerr, Lee, Lucas, Perdue, Sherron, Simpson, Ward, Warren, Winner of Buncombe |

**GOVERNMENT PERFORMANCE AUDIT SELECT COMMITTEE:**
**Tues/Wed/Thurs—Rm 1027—3:00 PM**

| | |
|---|---|
| **Chairman:** | Senator Martin of Guilford |
| **Vice–Chairmen:** | Senator Daniel<br>Senator Sands<br>Senator Sherron |
| **Ranking Minority:** | Senator Blackmon |
| **Senators:** | Cochrane, Conder, Forrester, Hoyle, Lee, Lucas, Marshall, Perdue, Plyler, Shaw, Soles, Walker, Winner of Buncombe |

# SENATE STAFF

## OFFICE OF THE PRESIDENT

| | |
|---|---|
| Lieutenant Governor | Dennis A. Wicker |
| Chief of Staff | Kaye Gattis |
| Legislative Counsel | Robert Reives |
| Director of Communications | Robert D. Phillips |
| Special Assistants | |
| Boards and Commissions | Shirley Fowler |
| Constituent Affairs | Maggie Pollock |
| Research and Policy | David C. Smith |
| Administrative Assistants | Greta L. Rogers |
| | Patricia Simpson |
| Executive Secretary | Camille Vaughan |
| Scheduler | Rhonda Currier |

## OFFICE OF THE PRESIDENT *PRO TEMPORE*

| | |
|---|---|
| President *Pro Tempore* | Marc Basnight |
| General Counsel/Liaison | Norma Ware |
| Communications Director | Bret Kinsella |
| Special Assistant for Policy and Research | Angela Talton |
| Executive Assistant | Joan Leatherman |
| Administrative Assistants | Andrea Gardner |
| | Cynthia Johnson |
| Page Coordinator | Dot Holbrook |
| Page Supervisor | Tonita Stephenson |

## OFFICE OF THE DEPUTY PRESIDENT *PRO TEMPORE*

| | |
|---|---|
| Deputy President *Pro Tempore* | R. C. Soles, Jr. |
| Administrative Assistant | Janet Puryear |

## OFFICE OF THE PRINCIPAL CLERK

| | |
|---|---|
| Principal Clerk | Sylvia Morris Fink |
| Administrative Assistants | June Simpkins Bennett |
| | Mona R. Fitzgerald |
| Calendar Clerk | Linda Stephenson |
| Assistant Calendar Clerks | Lesley Litton–McKenzie |
| | Steve Scruggs |
| Journal Clerk | Sandra P. Brown |
| Assistant Journal Clerks | Beverly H. Allen |
| | Betty Bridger |
| | Larry Clark |
| | Grace J. Hale |
| | Rennie Honeycutt |
| | Carol Twomey |
| | Kathryn Wilson |

**READING CLERK** LeRoy Clark, Jr.

**OFFICE OF THE SERGEANT-AT-ARMS**

| | | |
|---|---|---|
| Sergeant-at-Arms | | Cecil Goins |
| Deputy Sergeant-at-Arms | | Royster Baker |
| Secretary | | Martha Dunn |
| Assistants | Patrick Bailey | Hubert Poole |
| | Lori Bewley | Walter Ramseur |
| | Collis Brown | Phil Riley |
| | Jimmy Hight | Aaron Solomon |
| | Jack Mueller | Christy Traylor |
| | Mary Perry | Lauren Winner |
| | | Leslie Wright |

**CHAPLAIN** Mike Morris

**SECRETARIES/COMMITTEE CLERKS**

SUPERVISOR Janet Pruitt

| Name | Senator | Clerk of Committee |
|---|---|---|
| Allen, Doris | Parnell | Insurance |
| Avent, Irma | Richardson | Appropriations on Human Resources |
| Bagley, Jane (Dee) | Smith | |
| Ballance, Valerie | Ballance | Judiciary I |
| Banko, Pat | Ballantine | |
| Batchelor, Jerry | Harris | Pensions and Retirement |
| Birdsong, Julia | Albertson | Agriculture, Marine Resources, and Wildlife |
| Bowles, Gerry | Gunter | |
| Britt, Judy | Daniel | Appropriations |
| Caldwell, Wilma | Warren | Banks and Thrift Institutions |
| Canady, Anne | Perdue | Education/Higher Education |
| Carpenter, Helen | Carpenter | |
| Cooper, Hazel | Walker | Children and Human Resources |
| Costello, Evelyn | Kaplan | Capital Expenditures and Improvements |
| Crutchfield, Sondra | Martin of Guilford | Government Performance Audit, Select |
| David-Yerumo, Bernie | Lucas | |
| Drew, Frances | Speed | Transportation |
| Dunnigan, Soraya | Edwards | Economic Development/ Travel and Tourism |
| Gooden, Carolyn | Winner of Buncombe | Finance |
| Halifax, Peggy | Johnson | State Personnel and State Government |
| Hartsell, Evelyn | Kerr | Manufacturing and Labor |
| Hogan, Peggy Anne | Sands | Rules and Operation of the Senate |
| Holbrook, Dot | | Office of Supervisor |
| Holt, Gerald | Winner of Mecklenburg | Bonds, Select |
| House, Pat | Ward | Appropriations on Education |
| Jacobi, Marianne | Tally | Environment and Natural Resources |

**SECRETARIES/COMMITTEE CLERKS** (continued)

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|---|---|---|
| Johnson, Gerry | Hartsell | |
| Jordan, Martha | Simpson | |
| King, Margaret | Allran | |
| King, Mary | Jordan | |
| Lambert, Ann | Sherron | Ways and Means |
| Leatherman, Joan | Basnight | Office of President *Pro Tempore* |
| Lefort, Terry | Blackmon | |
| LeGrande, Beth | Plexico | Appropriations on General Government |
| Misner, Pat | Plyler | Appropriations |
| Moore, Susan | Cooper | Judiciary II |
| Murphy, Sarah | Conder | Majority Leader |
| Myers, Elaine | Hoyle | |
| Parrish, Claudette | | Office of Supervisor |
| Porter, Phyllis | Kincaid | |
| Pulley, Nancy | Hyde | Constitution and Election Laws |
| Puryear, Janet | Soles | Deputy President *Pro Tempore* |
| Resar, Carol | Gulley | |
| Russell, Elnora | Lee | Appropriations on Department of Transportation |
| Shaw, Linda | Shaw | Minority Leader |
| Simmons, Heather | Marshall | |
| Stowe, Rosemary H. | Martin of Pitt | Appropriations on Natural and Economic Resources |
| Taylor, Mary Lee | Cochrane | |
| Tyree, Lois | Forrester | |
| Tyson, Mary | Folger | Local Government and Regional Affairs |
| Waugaman, Dorothy | Odom | Appropriations on Justice and Public Safety |
| Williams, Penny | Seymour | Public Utilities |

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# ALPHABETICAL INDEX

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—Senator A. P. Sands III
—District 19—Senator Robert G. Shaw
—District 31—Senator William N. Martin
—District 32—Senator Mary P. Seymour
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**SEYMOUR, Mary P.—Senator** **Guilford** (part)—**32nd District**
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**SHAW, Robert G.—Senator** Davidson (part), **Guilford** (part),
**Minority Leader** Randolph (part)—**19th District**
Absent With Leave ..... 327, 400 (Present).
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Capital Expenditures and Improvements
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Co–Sponsor ..... 1358, 1385, 1511, 1517, 1528, 1620, 1706.
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**SIMPSON, Dan R.—Senator** Alexander, Avery, **Burke** (part), Caldwell, Mitchell, Wilkes, Yadkin—**27th District**
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**SITING CRITERIA**—see **Public** (Health—Hazardous Waste)
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**SMALL BUSINESS**—see **Commerce and Business**
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**SMITH, Paul S.—Senator** Davidson (part), Iredell (part), **Rowan** (part)—**23rd District**
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**SOLES, JR., R. C.—Senator** Bladen (part), Brunswick, **Columbus,**
**Deputy President *Pro Tempore*** New Hanover (part)—**18th District**
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**SPEED, James D.—Senator** **Franklin,** Johnston (part), Vance (part), Wilson (part) **—11th District**
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—Senator Aaron W. Plyler
—District 22—Senator Fletcher L. Hartsell, Jr.
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| | |
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| Appropriations | Appr |
| Department of Transportation | Appr/DOT |
| Education | Appr/Ed |
| General Government | Appr/GenGov |
| Human Resources | Appr/HumRes |
| Justice and Public Safety | Appr/Jus&PS |
| Natural and Economic Resources | Appr/N&ER |
| Banks and Thrift Institutions | Banks |
| Capital Expenditures and Improvements | CapExp |
| Children and Human Resources | Ch&HumRes |
| Constitution and Election Laws | Const |
| Economic Development/Travel and Tourism | EconDev |
| Education/Higher Education | Ed/HighEd |
| Environment & Natural Resources | E&NR |
| Finance | Fin |
| Insurance | Ins. |
| Judiciary I | J1 |
| Judiciary II | J2 |
| Local Government and Regional Affairs | LocGov |
| Manufacturing and Labor | Mfg&Labor |
| Pensions and Retirement | Pens&Ret |
| Public Utilities | PubUtil |
| Rules and Operation of the Senate | Rules |
| State Personnel and State Government | StPers&StGov |
| Transportation | Transp |
| Ways and Means | W&M |

## SELECT COMMITTEES

| | |
|---|---|
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| Government Performance Audit | GovPerform |

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| | |
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| Business and Labor | H Bus&Labor |
| Children, Youth and Families | H Ch/Youth&Fam |
| Constitutional Amendments & Referenda | H Const |
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